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Thursday, 17 May 2018, 10 a.m.
New York

President:	President Duda/Ms. Wronecka/Mr. Radomski	(Poland)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Solíz
	China	Mr. Ma Zhaoxu
	Côte d'Ivoire	Mr. Djédjé
	Equatorial Guinea	Mr. Nguema Obiang Mangue
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Kazakhstan	Mr. Beketayev
	Kuwait	Mr. Alotaibi
	Netherlands	Mr. Blok
	Peru	Mr. Ruda Santolaria
	Russian Federation	Mr. Polyanskiy
	Sweden	Mr. Skoog
	United Kingdom of Great Britain and Northern Ireland	Ms. Baldwin
	United States of America	Mrs. Haley

Agenda

Maintenance of international peace and security

Upholding international law within the context of the maintenance of international peace and security

Letter dated 3 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General (S/2018/417/Rev.1)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Maintenance of international peace and security

Upholding international law within the context of the maintenance of international peace and security

Letter dated 3 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General (S/2018/417/Rev.1)

The President: I wish to warmly welcome the Ministers and other distinguished representatives here in the Security Council Chamber. Their presence today underscores the importance of the subject matter under discussion.

In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Brazil, Canada, Croatia, Cuba, Cyprus, Djibouti, Egypt, Estonia, Georgia, Germany, Ghana, Greece, Haiti, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Maldives, Mexico, Morocco, Myanmar, Namibia, Nepal, Norway, Pakistan, Portugal, Qatar, Rwanda, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, the Syrian Arab Republic, Switzerland, Turkey, Ukraine, the United Arab Emirates, Uruguay, the Bolivarian Republic of Venezuela, Viet Nam and Yemen to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Ms. Maria Luiza Ribeiro Viotti, Chef de Cabinet of the Secretary-General; Judge Hisashi Owada, Senior Judge on, and President Emeritus of, the International Court of Justice; and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals.

In accordance with rule 39 of the Council's provisional rules of procedure, I also invite the following to participate in this meeting: Her Excellency Ms. Joanne Adamson, Chargé d'Affaires ad interim of the Delegation of the European Union to the United Nations, and Her Excellency Ms. Fatima Kyari Mohammed, Permanent Observer of the African Union to the United Nations.

I propose that the Council invite the Permanent Observer of the Observer State of the Holy See to the United Nations to participate in this meeting, in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda.

I wish to also draw the attention of Council members to document S/2018/417/Rev.1, which contains the text of a letter dated 3 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General, transmitting a concept note on the item under consideration.

I now give the floor to Ms. Viotti.

Ms. Viotti: I am honoured to read out this statement on behalf of the Secretary-General.

"I thank the Government of Poland for organizing this important debate on the role of the Security Council in upholding international law. International law is foundational to the Organization, and the Security Council has a special role to play in ensuring that it is respected. I welcome Poland's suggestion that today's debate pay special attention to promoting the peaceful settlement of disputes and the Council's involvement in that process.

"The Charter of the United Nations does not prescribe the use of any particular means of settlement for disputes between Member States, nor does it establish any particular hierarchy among them. Member States are free to choose between negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. The Security Council, for its part, has many options. It can call on States to settle their disputes and draw their attention to the means that are available to them. It can recommend to States that they use a particular means of settlement, a power the Council has rarely employed.

"The Council can support States in using the means they have chosen. It can support the initiatives of States and other international organizations,

institutions or people that try to assist States in resolving their differences. The Council can also task the Secretary-General with trying to assist States to reach a settlement, or even establish a subsidiary organ for that purpose — again, a power that, since its early years, it has not often employed. And where States have agreed to use the International Court of Justice, there is a role the Council may play in ensuring that the Court's judgment is properly observed. Allow me to take this opportunity to call on Member States to consider accepting the Court's compulsory jurisdiction.

"Let me turn now to another issue of relevance to today's discussion, namely, accountability for international crimes. Through its resolutions establishing the International Tribunals for the former Yugoslavia, in 1993, and for Rwanda, in 1994, the Security Council has had an undeniable impact on international law. The two Tribunals have laid the groundwork for the development of international criminal law, a field that barely existed before. At the same time, the Council has advanced the interpretation of the Charter and of its own functions, acknowledging the close link between international criminal justice and the purposes of the United Nations. The advancement of international criminal justice therefore falls within the scope of the Security Council's responsibility for the maintenance of international peace and security. The Security Council was also involved in the establishment of the Special Court for Sierra Leone and the Special Tribunal for Lebanon.

"But the Security Council's role in the fight against impunity has gone beyond creating tribunals. In the Central African Republic, it mandated the United Nations peacekeeping operation, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to support the Special Criminal Court, a national court established by national law. The Council has also requested the Secretariat to work closely with the African Union Commission in support of efforts to establish the hybrid court for South Sudan. Moreover, in cases where it is difficult to foresee the establishment of effective accountability mechanisms in the immediate future, there is increasing momentum for gathering and securing evidence for use in national, regional or international courts that might in future have jurisdiction over relevant crimes. In the case of Iraq, the Council unanimously adopted resolution 2379 (2017), which established an independent investigative team to support domestic efforts to hold Da'esh accountable for its actions in Iraq. The Secretariat has been working closely with the Government of Iraq and other key stakeholders to operationalize that important mechanism.

"International criminal accountability is still a relatively new area of work for the United Nations, but it is already clear that there is room for improvement in three specific areas. First, the Security Council needs to be the driving force to ensure that international humanitarian law, international human rights law and other relevant rules, norms and standards are fully included in any accountability process. Secondly, those institutions require sustainable funding. Yet, even as the international community considers creating new institutions, funding for some of the existing hybrid institutions has largely dried up, thereby putting at risk the gains of judicial efforts. Thirdly, effective accountability requires the constructive engagement of the international community. I encourage Member States to engage with the Secretariat during the process of establishing and supporting accountability mechanisms to help ensure that the framework for the establishment of any mechanism conform with applicable United Nations standards and policies.

"The Security Council has played a critical role in upholding international law, supporting the peaceful settlement of disputes and advancing the fight against impunity. Against a backdrop of grave threats and growing turmoil in many regions, the unity of this organ and the serious commitment of the entire international community will be crucial to preventing human suffering and defending our common humanity. The Secretariat stands ready to support such efforts."

The President: I thank Ms. Viotti for her briefing.

I now give the floor to Judge Owada.

Judge Owada: It is a great privilege for me once again address the Security Council on matters pertaining to our shared endeavour to achieve international peace and security. As former President and a senior member of the International Court of Justice, I make my statement today on behalf of my esteemed colleague

His Excellency Judge Abdulqawi Ahmed Yusuf, who is now the President of the Court and, regrettably, is unable attend this Security Council meeting. I recall that during my own mandate as President of the Court, from 2009 to 2012, I had opportunities on several occasions to emphasize the constructive dialogue that these annual meetings foster between the Court and the Security Council. I therefore wholeheartedly welcome and embrace the present initiative of the Polish presidency to hold an open debate on upholding international law within the context of the maintenance of international peace and security. In my view, this is a most opportune moment to provide a platform for wider discussion, especially within the context of a number of volatile situations that, sadly, we face in the world today.

Let me begin by bringing to the Council's attention the common roots of our two institutions and their complementary roles. Both the International Court of Justice and the Security Council were established in 1945 by the Charter of the United Nations as principal organs of the United Nations. During the crucial post-war period, in fact, it was paramount to build a robust structure that could ensure international peace and security through the creation of a truly effective international organization in this area. That is highlighted by the fact that Article 1, paragraph 1, of the Charter refers to the maintenance of international peace and security as one of the primary purposes of the United Nations. Of utmost importance, it is to be noted that such a purpose is to be achieved, "in conformity with the principles of justice and international law". In particular, Article 2, paragraph 3, of the Charter specifically provides that all Members of the United Nations shall settle their disputes "by peaceful means in such a manner that international peace and security, and justice, are not endangered."

I underscored the insertion of the words "and justice" because the inclusion of the element of justice in that context clearly signifies that international peace and security are to be maintained in parallel with the realization of justice. For that reason, the International Court of Justice can play a role in actively contributing to the maintenance of peace and security in parallel with the Security Council, which bears the primary responsibility for that purpose.

That point is fundamental to today's discussion in the sense that the constitutional framework of the United Nations envisages an organic and synergetic relationship between the Security Council and the Court, with the potential of peace being reinforced by combining political and judicial approaches to finding solutions. Beyond the division of power or competence of the two United Nations organs, the question to be discussed in this context, to my mind, is the following: In order to realize the ultimate goal of the United Nations to save succeeding generations from the scourge of war, which dominated the world before 1945, how can and should the Security Council and the Court interrelate with one another in concretely resolving disputes and situations?

In my statement today, I will begin by saying a few words about the international mechanism of links between the Council and the Court provided for in the Charter. I will then refer to several specific instances whereby the involvement of the Court as the adjudicative body working together with the Council might be called on to deal with a situation in a synergetic manner, with each organ approaching the given situation from its respective perspective. I will therefore begin with the institutional link between the Court and the Security Council as provided for by the Charter.

Under the Charter, the Security Council is assigned functions of an executive nature, whereas the Court exercises purely judicial functions; that is the difference. Nevertheless, there is a correlation between those two roles. That is why the institutional underpinning of our activities deserves some crucial attention. There are a number of important provisions that are meant to strengthen the coordination and cooperation between the Court and the Council as we strive to discharge our respective roles in maintaining international peace and security. In that regard, I would like to highlight the following three provisions.

First, in relation to its function in dispute settlement between Member States, the Security Council is empowered, at any stage of a dispute, to make recommendations as part of its duty. The Security Council should take into consideration the fact that, as stated in Article 36 of the Charter, "legal disputes should as a general rule be referred by the parties to the International Court of Justice."

It was pursuant to that Charter provision that the Security Council recommended that the United Kingdom and Albania defer their dispute with regard to the Corfu Channel to the newly established Court at that time. That historically notable example of institutional

complementarity was all the more significant as it resulted in the very first contentious case brought before the Court. That case clarified the legal aspects of the dispute, thereby leading to its resolution.

The second aspect to that institutional interaction is provided for in Article 94, paragraph 1, which states that

> "Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party."

I am happy to say that there are very few cases where there has been non-compliance with a judgment of the Court. However, in the event of a case of non-compliance, Article 94, paragraph 2, can be put in motion. According to that provision,

> "If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment".

Admittedly, that is not a provision for the direct enforcement of the Court's judgment by the Security Council. It nevertheless provides a useful and precise framework within which the Council can ensure that the decisions of the Court be given effect. Moreover, that provision accords to the parties that bring cases to the Court a broader sense of institutional reassurance that complying with the Court's decision is of paramount importance to the international community.

The third provision I wish to mention is Article 96 of the Charter, under which the Security Council may request the International Court of Justice to give an advisory opinion on any legal question. Unlike the Court's contentious procedure, its advisory function is not aimed at a resolution, per se, of the conflict in question. Rather, the purpose is to give an authentic opinion on that matter to other United Nations organs, including the Security Council, with a view to clarifying the issues involved in a given situation. With reference to situations before the Security Council relating to the maintenance of international peace and security, the advisory function of the Court could be a very useful tool by elucidating the relevant and legal questions involved in a situation, which may assist the Council in its consideration of a complex state of affairs of the situation at hand, and could be very helpful.

An apposite precedent in which the Security Council requested an advisory opinion of that nature on an issue that was directly raised before the Security Council regarding the activities of the Council was a case brought in July 1970 on the legal consequences for States of the continued presence of South Africa in Namibia. It is recalled that the discussion on the issue within the Council continued in tandem with the Court's consideration of the legal questions involved. Ultimately, the Court's opinion helped to strengthen the Security Council's position regarding the line of conduct expected of States in order to resolve that political impasse.

In concluding my brief remarks on that aspect of such interrelations, namely, the institutional link between the Court and the Security Council, I find it interesting to note that the Charter's provisions on this point, although succinct, manage to be quite flexible and comprehensive, allowing the possibility of the Council encouraging States to bring their disputes to the Court, support States in the event that they have issues regarding the compliance of an International Court judgement and give them time to request that legal questions of significance in relation to the work of the Council be considered by the Court. In that way, an effective institutional structure could indeed be in place, and the United Nations, and by extension the international community, could benefit from its greater use of those three relevant provisions that are provided for in the Charter.

I will now turn to the second part of my statement, on the interaction between the substantive work of the Court and the activities of the Security Council, which are not necessarily provided for in the Charter in its express terms. Let me address some areas of substantive interaction between the Court and the Security Council that go beyond the linked institutional framework that I have mentioned.

In that connection, in addition to dealing with specific bilateral disputes between States, the International Court of Justice has also been called upon to deal with cases, both contentious and advisory, that relate to the same set of events that form an integral part of the situations that come before the Security Council. It can safely be said that there is no exclusive authority pertaining to either of the two organs over

a situation, which in most cases include overlapping aspects of law and politics. Indeed, as I already mentioned, the clarification of certain legal aspects of a case by the Court can benefit the Council in arriving at a comprehensive solution to the situation in question, bearing in mind the legal implications of the issues involved.

For the sake of the discussion today, I shall refer to three examples that illustrate how the Court and the Security Council can interact with each other to contribute to the maintenance of international peace and security. All three cases relate to situations arising from armed conflicts or clashes in border areas that would require a response from the Security Council. For example, the Security Council would act to conduct peacekeeping initiatives. At the same time, a legal clarification of the situation by the Court would be extremely important in the same context because of the very nature and gravity of conflict situations between States, which constantly require the Council's attention. At the same time, because of complex and more important issues they raise, they are also at the core of disputes that can be brought before the Court as legal matters.

One tragic example is the bloody conflict in the Balkans following the collapse of Yugoslavia in the early 1990s. In tandem with the many initiatives by the Security Council to deal with the conflict, including the deployment of a large-scale peacekeeping force, the creation of the International Criminal Tribunal for the Former Yugoslavia with a mandate to prosecute the culprits as individuals for their heinous criminal acts was an important part of efforts by the Security Council to maintain international peace and security. In parallel to those activities by the Council, the International Court of Justice was also involved in playing an important role in determining the international responsibility of a State given its alleged commission of internationally wrongful acts in relation to the conflict. I refer here to the two cases that came before the Court, namely, the application of the Convention on the Prevention and Punishment of the Crime of Genocide — the first brought by Bosnia and Herzegovina against Serbia and Montenegro and the second by Croatia against Serbia.

To bring about lasting peace in the region, it was essential that the international community could rely not only on the Security Council to take measures to make it possible to determine the criminal responsibility of individuals for their acts, but also on the other principal judicial organ of the United Nations — the International Court of Justice — to place on record the degree of accountability of the respondent State for not having taken the necessary measures to prevent genocide.

A second illustrative example is the situation that arose in 2008 in the area of the Temple of Preah Vihear, situated on the boundary between Cambodia and Thailand, as a result of competing claims of territorial sovereignty between the two States. Despite the Court's judgment in 1962 in the case *Temple of Preah Vihear* (*Cambodia v. Thailand*), in which the Court found that the temple was situated on territory under the sovereignty of Cambodia, disagreement persisted between the two neighbouring States as to the extent of the geographical scope of the sovereignty. As a result of the ongoing armed conflict over the issue, the matter was brought to the Security Council, which issued a press statement in February 2011 (SC/10174) entitled "Cambodia-Thailand Border Situation", which exhorted both sides to show restraint, establish a ceasefire and engage in dialogue. The Security Council also expressed its support for the active efforts of the Association of Southeast Asian Nations (ASEAN) to find a peaceful resolution of the matter. However, the armed clashes did not subside and one of the parties to the conflict, Cambodia, brought the dispute before the Court in April 2011 in the form of a request for an interpretation of the judgement in the 1962 case.

Simultaneously, the applicant requested that the Court also indicate provisional measures of protection because of the urgency of the matter. In granting the request for the indication of provisional measures, for the first time in its history, the Court set up a provisional demilitarized zone to be kept provisionally free of all military personnel. Although the Court's immediate objective and purpose is a strictly judicial one, namely, to prevent irreparable damage from occurring until the delivery of the final judgment, nevertheless the measure also contributed in a practical way to the efforts of the Security Council to maintain peace and security in the region. In addition, the Court joined the Council in drawing the parties' particular attention to the important role of ASEAN in establishing a dialogue between them.

The third and final example I wish to give today is the conflict situation in the Great Lakes region that erupted in the 1990s. In that situation, the Court was seized of the case *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo v.*

Uganda). The Security Council was closely monitoring the situation concerning the Democratic Republic of the Congo at the same time. In June 2000, the Council adopted resolution 1304 (2000), which demanded that all parties refrain from any offensive action, and that same month the Court indicated provisional measures whereby both parties were ordered to take all measures necessary to comply with all of their obligations under international law, explicitly including those under resolution 1304 (2000). While the eventual non-compliance of the provisional measures of the Court under a resolution is regrettable, the case illustrates that the Court can complement the activities of the Security Council by legally scrutinizing and analysing the issue of compliance with regard to the relevant Security Council resolutions.

I hope that those examples show that the Court can make an active contribution to reducing tensions in conflict situations and preventing the aggravation of a dispute, while working in parallel with the Security Council.

Let me address my final point, which includes some suggestions for the Security Council and the Court on strengthening the role of maintaining international peace and security. Before concluding my statement, let me draw the Council's attention to the question I posed at the beginning of my presentation, namely, how the Security Council and the Court can, or should, relate to each other with regard to concrete cases or situations. For the sake of discussion, I would like to add three observations.

First, it is hoped — at least on the part of the Court — that the Security Council could pay more attention to its discretionary power under Article 36, paragraph 3, of the Charter, by which it can make recommendations to refer a legal dispute to Court. The significance of the precedent of the Corfu Channel case, to which I referred, would demonstrate how the basis of that argument could still be valid. Regrettably, however, it has become an isolated precedent. I would therefore invite the Security Council to take inspiration from that early instance of constructive cooperation between our institutions and consider additional possibilities under Article 36 of the Charter.

Secondly, with regard to the other example I provided at the beginning of my statement, the Security Council can have a greater active role in the post-adjudication phase of a dispute that has been judicially settled by the Court. Although the number of reported non-compliant judgements is not very large, any disregard or negligence on the part of the parties relating to the implementation of a decision of the Court is regrettable and not to be welcomed. Non-compliance by one of the parties with a judgment of the Court can easily complicate the situation subsequent to the delivery of the judgment, as exemplified by the case concerning *Avena and Other Mexican Nationals (Mexico v. United States of America)*. Here the Security Council could have a meaningful role to play in monitoring compliance with the Court's decisions, even when the recommendation is not formally adopted under Article 94, paragraph 2, of the Charter. At least we could consider how the institutional link between the Court and the Council, as provided for in Article 94 of the Charter, particularly the potential involvement of the Council, could enhance, formally or informally, the institutional reassurance for the parties to the dispute about compliance with the Court's decision and, through that, enhance the rule of law in the international community. Such involvement of the Security Council in the post-adjudication phase of a dispute would, in my view, strengthen the rule of law through the interaction between the two United Nations organs.

Thirdly, and lastly, it is hoped that the Security Council could consider the possibility of making use of the advisory opinions of the Court in relation to the activities of which the Security Council is seized under Article 96 of the Charter. In terms of statistics, 26 requests for advisory opinions have been made so far, giving the Court the opportunity to offer its own advisory opinions. However, there have been very few requests from the Security Council, except for the Namibia case to which I referred earlier. By way of comparison, the General Assembly has so far made 15 requests. In replying to those requests, the Court has contributed, we believe, to the work of the respective organs by clarifying the bigger issues involved in a given question. Recent notable examples include the opinions on the *Legal consequences of the construction of a wall in the occupied Palestinian territory* (see A/ES-10/273) and on the *Accordance with international law of the unilateral declaration of independence in respect of Kosovo* (see A/64/881), on which the Court gave its opinion in, respectively, 2004 and 2010. These examples demonstrate that the advisory proceedings of the Court should be used also for promoting the activities of the Security Council.

I wish to conclude my brief statement by commending the foresight of the drafters of the Charter, who created a flexible and interconnected organizational structure to ensure proper institutional support for the lofty aims of the United Nations, namely, the promotion and maintenance of international peace and security. The Security Council, which has the primary responsibility for the maintenance of international peace and security, has a wide spectrum of options on how to perform its functions effectively in achieving its goal. I hope that my statement today can make a modest contribution to a reflection on the possibility of the role that the International Court of Justice, as the principal judicial organ of the United Nations, could play in this regard.

The authority, judicial expertise and commitment of the Court to the promotion of the rule of law in today's world will, we hope, make a significant contribution to the work and the activities of the Security Council in dealing with this issue and burning issues in the context of the current situation relating to how to effectively maintain international peace and security, as this is the Council's primary responsibility under the mandate given it by the Charter.

The President: I thank Judge Owada for his briefing.

I now give the floor to Judge Meron.

Judge Meron: It is a distinct privilege to address the Council in the context of this open debate and a particular honour for me to do so during the presidency of Poland and under the chairmanship of His Excellency Mr. Andrzej Duda, President of the Republic of Poland.

This is not simply a professional matter. I was 9 years old when Nazi Germany invaded Poland, the country of my birth. Overnight, we became refugees, and most of my family were killed by the Nazis because we were Jews. When the war ended, I emerged lucky to be alive but profoundly affected by my experiences.

Although my career has since followed a circuitous path, the abiding focus has been an attempt to grapple with the violence, chaos and brutality of war and to strive to find ways to bring an end to the suffering and horrific atrocities committed all too often during armed conflicts. Central to any such effort is the fundamental need to ensure respect for and adherence to international law and to the humanitarian principles and values of human rights and dignity reflected therein.

It is in this context that I wish to express my deep gratitude to Poland for having provided all of us here today with this important opportunity to address the state of respect for international law in the context of the maintenance of international peace and security, how it can be strengthened, and the role to be played by the Security Council in that regard.

I shall focus in my remarks on the third theme identified in the concept note for today's debate (S/2018/417/Rev.1, annex): upholding accountability, in particular for the most serious violations of international humanitarian law and human rights law.

It is thanks in many respects to the ground-breaking work of the Council nearly 25 years ago that we are even considering the issue of accountability for violations of international law today. On 25 May 1993, the Security Council acted under Chapter VII of the Charter of the United Nations to establish the first international criminal court of the modern era, the International Criminal Tribunal for the Former Yugoslavia (ICTY), a court mandated to try individuals for serious violations of international law committed during the conflicts in the Balkans. The following year, the Council established a second tribunal, the International Criminal Tribunal for Rwanda (ICTR), in the wake of the devastating 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed. These courts, in turn, paved the way for the establishment of other international courts and specialized chambers focused on ensuring individual accountability for violations of international law, including the world's first permanent international criminal court, and clarified and reinforced understandings of international customary and conventional law through their jurisprudence. Over the same period, after a half-century of virtual inaction following the Second World War, an increasing number of national authorities have undertaken domestic criminal trials of individuals alleged to have committed war crimes and other violations of international law. As a result of all that, there is an ever-increasing expectation among communities around the world that, where atrocities are committed in violation of international law, accountability will follow. That is a profound change from only a quarter of a century ago.

However, for all that has been achieved in the past 25 years, there is still a long way to go. International criminal justice — by which I mean efforts to ensure principled accountability for violations of international law whether such efforts take place in international, regional or national courts — is still very much in its

infancy. At present, it is in a highly vulnerable stage of development. With pioneering courts such as the ICTY, the ICTR and the Special Court for Sierra Leone having closed, the International Criminal Court (ICC) faces a variety of investigative and institutional challenges. With the recent increase in the scrutiny of and distrust for international organizations and global endeavours more generally, we face somewhat of a period of contraction in efforts to advance accountability at the international level after a remarkable period of expansion. Let me be quite clear about the fact that inaction and outright intransigence risk undermining accountability gains in quite a variety of forums.

If efforts to ensure accountability for violations of international law are to succeed in the long run, the Security Council and its members, as well as the international community more generally, must continue to actively engage in and sustain such efforts — and now more than ever for the reasons that I have just given.

At the international level that means not simply expressing support in rhetorical terms but taking concrete steps to affirmatively contribute to the work of existing courts such as the International Criminal Court. Such steps include complying with judicial orders, arrest warrants and requests for investigative cooperation and using soft and hard forms of leverage to convince others to do likewise, supporting fugitive-related investigations, enforcing sentences against convicted persons and assisting with the relocation and protection of vulnerable witnesses. Such steps also include ensuring that existing mechanisms are adequately resourced and that political considerations are not allowed to undermine the independence and impartiality of the courts in the conduct of their proceedings.

However, upholding accountability for international crimes means doing far more than cooperating with international courts and internationalized special chambers. International courts were not designed to try more than a small number of alleged perpetrators, and they do not offer the immeasurable benefits accorded by judicial proceedings conducted closer to the communities most affected by international crimes. For accountability and an international order based on the rule of law to truly take hold, it will fall to officials in national jurisdictions to take on the greater part of that work. Indeed, it is only through national engagement on a broad scale and by using every tool at our disposal, including universal jurisdiction, that we can ever hope to close the accountability gap.

As the examples that I have just given might suggest, upholding accountability is not a narrow or a limited endeavour. To the contrary, it demands creativity, innovation and an understanding of its interdependence with other initiatives if it is to succeed. We have seen that in recent years at the international level, where a wide variety of institutional and efficiency-minded reforms have come to the fore in courts such as the ICC and the International Residual Mechanism for Criminal Tribunals and where the International, Impartial and Independent Mechanism for Syria and the Investigative Team requested by resolution 2379 (2017) in relation to Iraq reflect new models for the promotion and facilitation of accountability efforts. We also see that in the exploration of yet more means to ensure accountability, such as the proposed granting of jurisdiction over international crimes to a regional court in Africa.

Yet the aim of upholding accountability is not satisfied simply by ensuring that those accused of violating international law are brought before a court and tried. Without judges who act independently and impartially and without judicial systems that are free of political influence and pressure, principled accountability is not possible. Without robust judicial systems providing for a vigorous prosecution and defence, the protection of vulnerable witnesses, fair procedures, transparent processes and sufficient resources and capacity for law enforcement and judicial proceedings, accountability for international crimes cannot be secured. The goal of upholding accountability is therefore closely linked to other core aims shared by the international community with regard to sustainable development and the promotion of respect for the rule of law more generally.

I have so far addressed the state of accountability efforts and the steps that can be taken by many different actors to close the accountability gap and to strengthen the rule of law and international criminal justice. Before concluding, I would like to briefly touch upon the role of the Security Council in that regard and to offer a few reflections on steps that the Council may wish to consider going forward.

First, the Security Council has played a high-profile role in strengthening the rule of law by advancing the cause of accountability over the course of the past

quarter of a century, urging and calling on States time and again to play their part. The Council's vocal leadership in that regard and its consideration of and dedication to such issues, as demonstrated by today's debate, must continue.

At the same time, the Security Council is not only a leading voice in upholding accountability and the rule of law. It must also serve as a model itself. In some respects that is a challenging task. Given that the Council is an inherently political body, it is perhaps to be expected that the different situations coming before the Council may receive differing degrees of attention, be resolved in different ways or be made subject to varying priorities. Yet the rule of law depends on consistency and equality of enforcement, and abhors selectivity. If one situation involving alleged atrocity crimes is treated with all due attention and another is disregarded or left to linger in a decision-making limbo, does that not fundamentally undermine the values at the core of the principle of the rule of law? How can the Council's identity as a political body and its role as a champion of the rule of law be reconciled?

One possibility would be for the Council to develop and publicly adopt objective criteria to assess and, where appropriate, steps to be deployed with respect to, all credible allegations of international crimes that come before it passing a certain threshold. Agreement in the abstract on such an approach would not only enhance equality of enforcement and reduce perceptions as to the ad hoc and arguably inconsistent nature of the Council's actions when confronted with reported atrocity crimes. It would also reduce the degree to which subjective or political considerations weigh on, and potentially delay or divert, the ultimate decision-making process.

Another possibility would be for the Council to reflect on its role not simply as a political body but as a representative political body. In accordance with Article 24 of the Charter, the Members of the United Nations have conferred on the Council primary responsibility for the maintenance of international peace and security and have agreed that, in carrying out its duties in that regard, the Council acts on their behalf. Given that, is it too idealistic to suggest that members of the Council are duty-bound to act on behalf of the broader international community — that they must, when reaching decisions on issues of accountability in the context of peace and security, serve the interests of the United Nations membership as a whole rather than prioritizing their own interests or those of strategic allies?

We may also do well to consider — or, perhaps, reconsider — the appropriate role for political decision-making more generally when it comes to the treatment of specific cases or situations. The Security Council has, in many respects, served as something of a gatekeeper over the past quarter-century, deciding, at times after considerable examination, whether a particular situation or conflict should be made subject to accountability measures. That role on the part of the Council was perhaps necessary 25 years ago. But now that the permanent International Criminal Court is fully embedded within the international legal framework, a system for the referral of situations to that Court by the Council is well established and national jurisdictions are increasingly demonstrating adherence to accountability goals, is it not time for something of a paradigm shift whereby the Council would simply refer possible violations of international law to appropriate judicial actors for further action rather than risking stalemate in debate about whether or not egregious atrocities occurred in any particular situation or who might be responsible?

Such a paradigm shift would not only enhance accountability but would also reflect and increase confidence in the ability of courts to assess evidence fairly and independently in determining whether a case should be tried, and enhance the Council's efficiency and credibility through demonstrating consistency in its approach to accountability.

As those examples suggest, the means and processes by which the Council reaches decisions concerning accountability are perhaps just as important as the subject matter of those decisions when it comes to their potential to strengthen respect for the rule of law and for an international order founded thereupon. As we approach the twenty-fifth anniversary of the founding of the International Criminal Tribunal for the former Yugoslavia in just a few days, I commend the Security Council, its President and members for their openness to considering these and other ideas advanced during today's debate, and for their continued leadership when it comes to ensuring accountability and upholding the rule of law.

The President: I thank Judge Meron for his briefing.

I shall now make a statement in my capacity as the President of Poland.

Let me express my gratitude for the valuable, substantive and insightful briefings by Ms. Maria

Luiza Ribeiro Viotti, Judge Hisashi Owada and Judge Theodor Meron.

Allow me to begin my statement with a quotation by Paweł Włodkowic, Rector of Jagiellonian University in Kraków, who as long ago as the fifteenth century proclaimed that there were certain rights of nations that must be secured, namely, their existence, freedom, independence, peculiar culture and decent and unhampered development.

> "Where force is stronger than friendship, one is guided by his own self-interest. The law, including natural law, condemns actions of people who attack those wishing to live in peace, according to the rule 'do unto others as you would have them do unto you'".

Włodkowic's arguments were further developed in the seventeenth century by Hugo Grotius in what are regarded as fundamental works of international law, namely, *On the Law of War and Peace* and *The Freedom of the Seas*. The conceptual work initiated by Włodkowic and reinforced by Grotius gave rise to the concept of the rights of nations, the basis of international law.

Today, 600 years later, Poland wishes to return to those roots. We want to highlight that there can be no peace without law. International law remains the strongest tool for civilized nations to ensure long-term peace — peace based on trust and mutually respected norms and values.

The need to recover the lost meaning of the works of Włodkowic and Grotius is particularly visible today, as a paradox of the modern world becomes clear. On the one hand, there is an extensive system of international law and institutional architecture to stand guard over it. This is the United Nations system, with its international courts and tribunals. On the other hand, the temptation to place force above law and fear above trust remains present around the world. That is why I invite all countries and institutions sitting at this table today to a discussion on the significance of international law. As States, we cannot deal with those challenges unless we invest in the very foundation of the global order — respect for international law.

I believe that is impossible without first providing coherent definitions of the basic categories of international law in the context of contemporary challenges to peace. Such definitions are also relevant in broader political debates, for if we call an act of aggression a conflict without properly defining the victim and the aggressor, if we call a threat a challenge without defining the source of that threat, and if we call building aggressive military capabilities a disturbance of balance without determining who it is that is advancing the offensive military capabilities, we are helpless in terms of selecting the legal steps to react. In international law unnamed phenomena do not exist, and ill-defined concepts build ill-shaped realities.

Following those general remarks, which I would like us all to take to heart, I wish to concentrate on the problems with regard to the functioning of three aspects of international law: means for the peaceful settlement of disputes, actions against violations of international law and ways of bringing the perpetrators of crimes under international law to justice.

First, I would like to refer directly to Chapter VI of the Charter of the United Nations, on the pacific settlement of disputes. Poland considers it the most useful tool at the international community's disposal in the case of disagreements and imminent conflicts. The United Nations has a rich history of envoys and mediators. For decades, they have been sent to hotspots all over the world in order to assist both sides with their expertise and experience. Their aim has been to prevent or to stop violations of international law. In that regard, we remember the late Secretary-General Dag Hammarskjöld, who gave his life to safeguard the international order.

It is worth underlining some recent mediation success stories, in particular in West African States. One example is the Gambia, where the Economic Community of West African States intervened effectively during a political crisis in 2017. Furthermore, we cannot forget that the peaceful settlements of disputes also occur outside the scope of the United Nations and of regional organizations. They take place with the involvement of recognized moral authorities. At this point, I would like to mention the special role of the Pope and Vatican diplomacy in the process of the normalization of international relations and the peaceful settlement of many world crises.

Currently, the importance of resolving conflicts by diplomatic means is visible in the ongoing efforts to reduce tensions on the Korean peninsula. Poland has been involved in the region for more than 60 years, including through participation in the work of the

Neutral Nations Supervisory Commission in Korea. We have always stressed that the channels of communication should be kept open. That is something that I personally repeated during my visit to Panmunjom earlier this year. We are fully supportive of the new high-level diplomatic initiatives aimed at re-establishing peace on the peninsula.

We also cannot forget the longest conflict in the world — that between Israel and Palestine. As a country with close and good relations with both the Israeli and the Palestinian peoples. Poland has always strongly supported all initiatives aimed at stabilization and at strengthening peace and security in the Middle East. Only a return to meaningful bilateral negotiations based on the relevant United Nations resolutions and international law might bring about a peaceful settlement of that dispute. That is the only path towards a two-State solution and resolving all final-status issues. Today more than ever, we need peace in the Holy Land, which is sacred to all major monotheistic religions. If we want to achieve peace, terrorism and violence are never the answer.

The second issue that I would like to highlight concerns situations in which the peaceful settlement of disputes is not applied or does not bring about a satisfactory effect. That results in situations of conflict, wars, death, suffering and a lack of hope for millions of human beings. At this point, we need to ask ourselves a question: How can we protect international law, in particular international humanitarian law, in the darkest hour?

The Security Council can introduce targeted sanctions regimes. We welcome international solidarity in implementing sanctions and exerting maximum pressure on States that disregard the international legal order. Even though they are divisive at times and not perfect, coercive measures are often crucial to defending the principles of international law. Nevertheless, persistent international pressure needs to be combined with dialogue, as sanctions should never be an end in themselves. Imposing United Nations sanctions requires the Council's decision. Unfortunately, there are situations where a lack of consensus prevents the effective countering of obvious violations of international law.

The Syrian conflict has entered its eighth year. The continued and widespread violence and violations of international law, including those of human rights, are a daily reality for Syrians. The situation in Syria demands that the United Nations and each Member State stand in defence of humanitarian principles. The international community, in particular the Security Council, needs to emphasize the importance of providing uninterrupted access for all humanitarian actors to the whole territory of Syria.

All actors engaged in Syria must be called on to take action to prevent the use of weapons of mass destruction, including chemical weapons. The belief in the importance of terminating that shameful practice should be shared by all members of the Security Council.

As President of the Republic of Poland, I cannot help but turn to my region, Central and Eastern Europe. The violation of territorial integrity through the illegal annexation and occupation of Crimea and by the separatists in Donbas, who benefit from strong third-country support, are major challenges not only to Ukraine but also to the stability of the whole European continent. Poland supports the idea of deploying a United Nations peacekeeping operation in eastern Ukraine. The mandate of such an operation should not be limited to the protection of the Organization for Security and Cooperation in Europe Special Monitoring Mission to Ukraine but should cover the whole area of the conflict, including the entire Ukrainian-Russian internationally recognized border. The international community should not lose its focus on the ongoing desperate plight of the Crimean Tatars and the human rights activists in the occupied Crimea, who are subject to constant intimidation.

In speaking about Central and Eastern Europe in this forum, I must also mention common concerns related to the so-called frozen conflicts in Georgia, Moldova and Nagorno Karabakh. We have to strive to foster an open, constructive and respectful dialogue so as to contribute to the successful settlement of those conflicts. Those conflicts entail clear violations of international law that can, and should, be addressed by the Security Council.

Thirdly, and finally, I would like to discuss the issue of accountability. The international community, and the Security Council in particular, are morally responsible for guaranteeing individual criminal accountability for international crimes. In that context, I would like to stress Poland's support for international legal mechanisms aimed at bringing those responsible for violating international law to justice. We remember

the work done by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. We have also noted the referral of the cases of the Sudan and Libya to the International Criminal Court.

In 2016, Poland welcomed the establishment of the International, Impartial and Independent Mechanism for the Syrian Arab Republic, which recently published its first report. The Mechanism remains a unique initiative that contributes to the prevention and prosecution of the immense atrocities and human rights violations committed in Syria. At the same time, as we have stated on many occasions, the impunity of those responsible for chemical attacks in Syria is not only contrary to international law, it also undermines the peace process and our common security. We therefore fully support the establishment of an independent, impartial and professional mechanism to attribute responsibility for the use of chemical weapons. Any such crime must be properly investigated, and those responsible must be held accountable. Such crimes should never happen again.

Let me underline that the non-proliferation of weapons of mass destruction has always been an important element of Poland's security policy. In our work in the non-proliferation regimes, including as the Chair of the second session of the Preparatory Committee for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons and Chair of The Hague Code of Conduct against Ballistic Missile Proliferation, we have constantly advocated for the primacy of international law, strong international institutions, binding non-proliferation norms, widespread and credible verification mechanisms, the implementation of good practices and closer international cooperation.

In conclusion, let me refer to the principle of good faith. Acting in line with that principle is an inherent element of respect for international law. If we notice some States' actions against the spirit of international law, we cannot pretend that they are legitimate and tolerate them. We cannot accept dubious legal justifications for actions taken in bad faith, in fraudem legis. Law cannot be a tool against justice. It must serve justice and justice only. For those who seek justice, law has to be a supportive force. It applies specifically to such issues as compensation for historical losses or modern investigations. The latter includes the investigation of flight disasters, such as the full clarification of the causes of the crash of the Polish airplane in Smolensk, in which the late President of Poland, Mr. Lech Kaczyński, his wife and all members of the Polish delegation perished. We are morally and legally responsible to react and restore trust in international law.

I now resume my functions as President of the Council.

I call on the Vice-President of the Republic of Equatorial Guinea.

Mr. Nguema Obiang Mangue (Equatorial Guinea) (*spoke in Spanish*): First of all, I would like to present to the Security Council the apologies of His Excellency, Mr. Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea, who was not able to participate in this important meeting due to previous State obligations. It is therefore my responsibility to convey his greetings of peace, as well as his wishes for the success of this meeting.

I would also like to express our congratulations to His Excellency Mr. Andrzej Duda, President of the Republic of Poland, for the magnificent work his country is carrying out during its presidency of the Security Council for the month of May, and for having convened this meeting to discuss an issue of such importance to peace and security in the world.

We also congratulate the Secretary-General, His Excellency Mr. António Guterres, and his entire team for the excellent and exhaustive briefing, which reveals once again the commitment and efforts of the United Nations in favour of peace, security and stability throughout the world.

The Republic of Equatorial Guinea is firmly committed to an international order based on the rule of law with the United Nations at its centre and in which the Security Council assumes the primary responsibility for the maintenance of international peace and security. The strengthening of the rule of law must lead to the consolidation of sustainable peace and development and to the defence of human rights. Peace, security and stability are essential elements for the economic and social development of countries and are intrinsically linked to the tranquillity and harmony that must prevail among the peoples of the world.

Long-term conflicts such as those in Central Africa, Syria, the Democratic Republic of the Congo, South Sudan, Yemen, Libya, Somalia and other

countries, where the use of sophisticated weapons causes the extermination of human lives, also cause great collateral damage. Refugees, famine and forced displacements must be treated in accordance with international law to ensure the protection of human rights. To achieve a just and safe world, therefore, it is important to promote the resolution of disputes through peaceful means as an essential part and basic principle of international law enshrined in Chapter VI of the Charter of the United Nations.

Given the complexity of current conflicts, and the sophisticated techniques of weapons that produce disastrous effects, the international community should also adapt to the new reality and its principles. Apart from armed confrontations, the effects of climate change, famine, pandemics and other natural phenomena constitute a threat to the peace and security of nations because they can aggravate the consequences of wars and conflicts. In order to enforce international law in conflicts, it is essential to ensure compliance with the principles for peacekeeping operations of the United Nations and regional organizations. In that regard, we welcome the Secretary-General's efforts to reform peacekeeping operations in order to gain the confidence of the host countries, and the commitment that the Council has shown in incorporating defence of the rule of law.

Any resolution of conflicts must include the promotion of inclusive development that benefits the parties so that the development can continue to expand through the United Nations system and thereby promote the effective implementation of the 2030 Agenda for Sustainable Development. As the world's main victim of major conflicts and the problems arising from them, Africa has a huge interest in ensuring that just and lasting solutions can be found for them, and the United Nations should support the African Union in its efforts to maintain peace and security in Africa, with the aim of optimizing and promoting joint action to achieve synergy in the international community.

There can be no peace without justice, and in order to build peace processes and resolve conflicts it is important to ensure that victims have the feeling that justice has been done, because policies that permit impunity can foster revenge and hatred. Humankind has always longed for peace and justice, two concepts that complement and reinforce each other. The achievement of justice is not merely a legal problem but is intimately linked to other political, economic and cultural factors. Justice's ultimate goal is stability and reconciliation, essential concepts for peace, especially in post-conflict environments. Beyond that, the Council has experience in the establishment of international tribunals to judge crimes against humanity such as genocide, war crimes and so forth. It is important to encourage the continuation of such mechanisms in order to combat appearances of impunity in post-conflict situations.

Equatorial Guinea reaffirms the importance of the concept of the peaceful settlement of conflicts through frank, direct and inclusive dialogue, and the United Nations has a primary role to play in encouraging countries to resolve their differences based on those principles. In that regard, with the support of the United Nations, Equatorial Guinea has agreed to settle its border dispute with its sister republic of Gabon before the International Court of Justice.

Equatorial Guinea wishes to see its policies, its principle of national sovereignty and its judicial freedom respected, and it brooks no foreign interference in its internal affairs. In that regard, before this important body, I want to denounce a ferocious international media campaign that is currently being waged against my country through the dissemination of fake news and montages of images, with the aim of distorting and denigrating the image, honour and reputation of my country and Government and the ultimate goal of discrediting them with the help of so-called non-governmental organizations, all of it having a negative effect on Equatorial Guinea's performance as a non-permanent member of the Security Council.

When we were elected to the Security Council, we took on the responsibility that it entailed in full awareness, and we are faithful to the purposes and principles enshrined in the Charter of the United Nations, the Constitutive Act of the African Union and our internal legal order. This is the foundation guiding my Government's statements, opinions and decisions during our membership of the Security Council. We aware of the historic importance of this situation and firmly reject these attempts at manipulation and blackmail that damage our good image and distract the international community.

In December, as the Council knows, my country was threatened by mercenaries who wanted to violate and harm our independence, sovereignty and stability in an attack that was quickly neutralized by our national security forces, thanks to the cooperation and support

of our sister republic of Cameroon. We would like to recall that Equatorial Guinea has been the victim of similar attempts in the past, specifically in March 2004, and I want to take this opportunity to denounce such attempts, which are a direct assault on the norms of coexistence between States.

In conclusion, I would like to say that while today all the States Members of the United Nations are looking to achieve the same goal, that of ensuring peace and security in the world, we do not believe that the leadership of one State or group of States can dictate the implementation of international law and morality. That constitutes a usurpation of the authority of the United Nations and undermines the effectiveness of our global Organization, which must impose its own authority in the international arena, avoiding any possibility of being manipulated through external pressure from States or groups of States that violate those laws. My country reaffirms its principles and its absolute belief in the rules of international law, while we extend our hand to all friendly countries in order to cooperate in addressing every issue that affects our peoples' peaceful coexistence.

The President: I now call on the Minister for Foreign Affairs of the Netherlands.

Mr. Blok (Netherlands): I would first like to thank President Duda of Poland for devoting today's open debate to a theme so close to our Kingdom's heart.

As the host country of The Hague Peace Conferences, the International Court of Justice, the International Criminal Court and other important international legal institutions, the Netherlands has a proud tradition of championing international law. Today's subject is embedded in our DNA. In fact, it is enshrined in our Constitution, and there are good reasons for that. A dependable, rules-based legal order is a prerequisite for security, stability and economic growth. When adhered to, it is our best guarantee of prosperity and the best conflict-prevention tool available.

Today, and in spite of the vast progress that has been made, our international rulebook is under serious pressure. From the annexation of Crimea to the slave markets in Libya and the suffering of the people in Myanmar, a quick glance at the Security Council's agenda makes one thing clear — that the world we committed ourselves to building when we all signed the Charter of the United Nations is still a long way off. The situation in Syria has been a stark reminder of a deep crisis, a protection crisis and a crisis of respect for the hard-won gains in international law that we have fought for since the end of the First World War. The Geneva Conventions, the Charter and the Chemical Weapons Convention — in Syria, all of those norms were trampled.

Of course, the primary responsibility for the protection of its citizens lies with a country itself. But when it is not able or willing to do so, collective action should be taken. In that case, says our Charter, the primary responsibility rests with the Security Council, especially with those five permanent members to whom the Charter has granted a special privilege. I am referring to the veto and to the need to use that special privilege with the highest degree of responsibility, That means with maximum restraint.

That has certainly not been the case with regard to Syria. In the past seven years, the veto has been used 12 times. Twelve times impunity was allowed to become the new normal. Twelve times innocent Syrian citizens paid the price.

What would happen if we allowed this privilege to be used as a licence to kill, as a means to obstruct justice, as a way to prevent the truth from being told, as a means to hold hostage those who want to uphold the principles of the Charter? The Council would force itself into irrelevance. The rules-based international order would break down. Laws would again cede to arms, and we would all lose.

We cannot allow that to happen. In the event of mass atrocities, a paralysed Security Council cannot simply be the end of the road. That conviction is widely shared. It forms the basis of initiatives such as the French-Mexican initiative and the code of conduct of the Accountability, Coherence and Transparency group, which are initiatives supported by a large majority of the United Nations membership. Today I want to echo and amplify their message: if and when the Council makes itself irrelevant by inaction, other avenues will have to be explored to make sure fundamental international norms are upheld. In the run-up to the next session of the General Assembly, we will consult with the group to explore options to make this principle more concrete.

That brings me to my final point, that is, the importance of accountability. There can be no lasting peace without it. Whether in Syria, Libya, Yemen or elsewhere, fact-finding, investigation and attribution are essential elements in the accountability chain. They

send a clear message to the victims that justice may not be swift, but it will, in the end, be done. I will therefore not stop calling on the Security Council to refer the situation in Syria to the International Criminal Court.

When the Council does become paralysed, we have to search for alternatives, such as the International Impartial and Independent Mechanism for Syria. Today I am proud to announce that we will support the Mechanism with another €2.5 million, in addition to the €2.5 million that we contributed earlier. We hope others will follow our lead.

The development of international law is a job that is never finished. We must not only work to ensure respect for existing norms, but also to strengthen them by writing the next and very necessary chapters. Standing on the shoulders of great men and women like Hugo Grotius, Fyodor Fyodorovich Martens, Eleanor Roosevelt and others, we must put protection up front. Only in that way will arms be allowed to cede to the law. Only in that way will peoples' expectations for justice and humanity finally be met. The Netherlands stands ready to contribute to attaining that goal, during and after our Security Council membership.

The President: I now call on the Minister of Justice of Kazakhstan.

Mr. Beketayev (Kazakhstan): On behalf of the Republic of Kazakhstan, I thank His Excellency President Duda for his opening remarks.

Kazakhstan considers today's debate to be very timely and valuable. It provides an opportunity for the Security Council to step back from its daily work and reflect more broadly on how it may most effectively carry out its mission in the complex circumstances that the world faces today. Engaging in such reflection is the sign of a healthy institution with strong and far-sighted leadership. In that context, it is my honour to present some reflections on behalf of Kazakhstan.

My country's commitment to the United Nations, as is well known, began as soon as it became an independent State, in 1992. Twenty-five years later, Kazakhstan was deeply honoured to be the first Central Asian State to serve on the Security Council. As President Nursultan Nazarbayev made clear in his policy address following Kazakhstan's election to the Council, our country stands ready to assist in the maintenance of regional and international peace and security. Today we are reflecting on how best that can be achieved.

I would first like to turn to what Kazakhstan considers a central policy objective for the Security Council. Members will recall that, 25 years ago, Kazakhstan was the first country to give up its nuclear arsenal. In our view, there is no greater threat to international peace and security than the continued existence of nuclear weapons, and there could be no greater achievement than ridding the world of that threat to humankind.

President Nazarbayev, in his manifesto "The World. The Twenty-first Century", presented the idea of a comprehensive programme for humankind in order to achieve a world without conflicts by the centenary of the founding of the United Nations in 2045. To achieve such a world and to save subsequent generations from the scourge of war, the manifesto sets out the collective measures that should be taken to prevent and eliminate threats to peace, and the responsibility each State bears in striving to reach that end. This is an area in which the Security Council can and must lead the way. It will be a test of whether new processes and ways of working, which the Security Council develops as a result of discussions such as the one we are having today, can bring about real change in the world.

Secondly, Article 33 of the Charter of the United Nations provides the Security Council with a variety of tools for the peaceful settlement of disputes that threaten the maintenance of international peace and security. Those mechanisms include recourse to regional bodies, whose role is critical for early conflict prevention. The engagement of regional and subregional organizations is an essential tool in the maintenance of international peace and security. When considering this topic, we may wish to reflect on whether the Security Council could enhance its legitimacy and awareness of its work if from time to time it held its meetings in other regional centres. In that regard, I would like to highlight President Nazarbayev's initiative in convening the Conference on Interaction and Confidence-building Measures in Asia, which has been successfully functioning for more than a quarter of a century, and in the context of which 26 countries, from Egypt to the Republic of Korea, are conducting significant work in the field of preventive diplomacy.

Finally, we support the efforts of the United Nations as a whole, including the Security Council,

to update and adapt its procedures to serve the world well in these challenging times. Today's very valuable debate should be the start of an ongoing dialogue, and Kazakhstan stands ready to provide its own proposals in a constructive spirit.

As history shows, States and institutions can thrive when they maintain clear, just objectives and an open mind about the best means to achieve them, which include robust mechanisms for enforcement and accountability to bridge the gap between international law and the reality on the ground.

Mrs. Haley (United States of America): I thank you, President Duda, for organizing today's important debate. It is not often that we take time to think deeply about why we are here and what we want to accomplish, and I therefore appreciate this opportunity. I would like to welcome Judge Owada, thank him for his briefing and express my deep appreciation for his many years of distinguished service. I thank President Meron for his statement and particularly for his important work on international criminal law. I am also grateful to Ms. Viotti for her remarks.

Although this is a debate about international law, it is worth stepping back to think about what the people who wrote the Charter of the United Nations set out to create. The Preamble to the Charter begins, "We the peoples of the United Nations", echoing the United States Constitution, which begins with "We the people of the United States". Joining the United Nations is an act of sovereign peoples who, as the Preamble says, came together

> "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

In that way, the Charter makes a clear connection between respecting human rights and upholding and promoting peace. Respect for the freedom and dignity of the individual is fundamental to international law. It is also fundamental to the founding values of the United States. Our long-standing national commitment to human rights is why the United States made human rights a key theme of its most recent presidency of the Security Council. Durable peace cannot be separated from respect for human rights. In the past year, the United States has championed a number of efforts to highlight that connection. We have emphasized the connection between the way in which the Iranian, Syrian, Venezuelan and North Korean regimes treat their citizens and the threat to peace and security that those Governments pose internationally. The Security Council has also recognized the connection between human rights and peace. We mandate many of the Council's peacekeeping and political missions to promote human rights and report on human rights violations and abuses. In many places, those missions are the first to know about human rights violations and abuses. We need to support them and ensure that they fulfil their role in protecting human dignity.

A related issue is the obligations of Member States under international humanitarian law. Here, too, the Security Council has never been clearer about what it expects of parties to conflicts. The Council has adopted resolutions and statements on the protection of civilians, children in armed conflict, medical neutrality and famine in armed conflict. Many of our resolutions addressing conflicts include a demand for unfettered humanitarian access. Many of our sanctions regimes allow for the listing of individuals and groups that obstruct such humanitarian aid. The Security Council has been increasingly outspoken and demanding where respect for human rights and international humanitarian law is concerned. That is important, but the challenge that remains is a familiar one — it is follow-through. Human rights violations and abuses, and humanitarian needs, have only increased on our watch, and our response has been completely inadequate.

Some argue that the Security Council has no business in a nation's domestic disputes. A nation's sovereignty, they argue, precludes any outside action, even when people are suffering and abused and that nation's neighbours feel the consequences. We too recognize and cherish our sovereignty and that of other nations. But here is the thing: joining the United Nations and pledging to abide by the words of the Charter represent an act of sovereign peoples and sovereign nations, an act that is freely chosen. Governments cannot use sovereignty as a shield when they commit mass atrocities, spread weapons of mass destruction or perpetrate acts of terrorism. In such instances the Security Council must be prepared to act. That is why we are here. That is why the Council has such wide-ranging authority to impose sanctions, establish tribunals and authorize the use of force. We have those tools because the people who drafted the Charter realized that there might be times when the Council needs to resort to its broad authority under Chapter VII.

It is the inability of the Council to follow up, especially when it comes to human rights and humanitarian issues, that allows suffering to continue. It is that inability to act that erodes our credibility and makes it more likely that more people will suffer in the future.

I once again thank the President of Poland for calling for this critical debate. There are so many places in the world where human dignity and well-being are under assault today. There is much more good work that we could be doing. As I mentioned earlier, the reasons for our failures are often obvious, but the Security Council's continued paralysis in the face of so much suffering is unacceptable. It should be unacceptable to all of us. We have accepted this mandate. We have the tools necessary to follow through. The time has come to recall the fundamental purpose of the United Nations, and for the sovereign peoples who make up the United Nations to come together to take meaningful action to fulfil it.

Ms. Baldwin (United Kingdom): On behalf of the United Kingdom, I too would like to express our gratitude to the Polish presidency for organizing today's important discussion, and to thank our briefers for their statements this morning.

There are few values more important to the United Kingdom than upholding international law. It is the very foundation of peace and security. Today, conflicts and tragedies in Syria, Burma, Ukraine and elsewhere have shown us the importance of that commitment and the consequences of the failure to uphold international law. In Syria, appalling violations of international humanitarian law and international human rights law by the regime and its backers continue. Russia's use of the veto in the Security Council, which stopped the work of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, means that there is currently no means available to properly investigate the use of chemical weapons against Syrian civilians. In Burma, the authorities have yet to begin a credible domestic investigation into the clear violations of human rights law in Rakhine state. Yet it is imperative to ensure that there is a route to hold the perpetrators of those crimes to account. In Ukraine, the illegal annexation of Crimea four years ago represents a egregious assault on international law. The enduring conflict in eastern Ukraine continues to destroy lives.

When armed conflicts break out, it is vital that all parties respect international humanitarian law and act in accordance with their obligations under it. As members of the international community and the Security Council, we are all responsible for upholding international rules and norms. Today we must ask ourselves how we discharge that responsibility. The initiative on strengthening compliance with international humanitarian law facilitated by the International Committee of the Red Cross and the Swiss Government has significant potential to aid that effort. It is a valuable first step, and I encourage all States to engage with that process, but that alone will not be sufficient.

Enabling the meaningful participation of women in decision-making is also key to upholding the rule of law. We know that inclusive decision-making processes are critical to preventing the escalation of conflict and maintaining and supporting peace in post-conflict societies. I call on States to act on the commitments agreed to in the Council's resolutions on women and peace and security, and to recognize that they are an integral part of our effort to maintain peace and security.

Sadly, there will be times when violations of international humanitarian law or international human rights law do occur. There must be no impunity in such instances. It is, of course, States themselves that have the primary responsibility to ensure that perpetrators are brought to justice, but we, as the international community, also have a role in helping States meet their responsibilities. A year ago, the Council voted unanimously to adopt resolution 2379 (2017), which set up an investigative team to assist efforts to hold Da'esh accountable for crimes committed in Iraq. That team will collect, preserve and analyse evidence of Da'esh's heinous crimes and will work closely with the Government of Iraq and organizations already collecting such evidence. We hope that all States will support that important mechanism by contributing to the United Nations Trust Fund.

The United Kingdom has strongly supported Human Rights Council resolutions aimed at increasing accountability. We welcome the efforts of the Secretary-General and the Secretariat to mainstream the promotion and protection of human rights in all United Nations activities. Such United Nations human rights tools as monitoring, reporting and analysis can provide key early-warning systems and help to identify and address

the root causes of conflict as a means of prompting an effective and early United Nations response.

The International Criminal Court also has a key role to play in restoring peace and security. It ensures accountability, acts as a deterrent, supports victims and helps to establish a historical narrative of accountability. However, for it to succeed, the Court requires the full cooperation of States. Its inability to act directly against those whom it seeks to arrest makes it entirely reliant on States to execute the arrest warrants it issues. But for too long and too frequently those indicted by the Court have been able to travel freely without fear of arrest and prosecution. We therefore urge all States to honour resolutions 1970 (2011) and 1593 (2005) by cooperating fully with the Court and its Prosecutor.

The ad hoc International Tribunals set up by the Security Council have been crucial in bringing to justice those most responsible for the terrible crimes committed in Rwanda and the Balkans during the 1990s. We are so grateful to Judge Meron and his colleagues for taking forward the important work of the International Residual Mechanism for Criminal Tribunals. We hope that States will continue to ensure that the Mechanism has sufficient resources to fulfil its mandate. We also note the important role that the International Court of Justice has played for many years in ensuring the maintenance of international peace and security.

In summary, the United Kingdom believes that we must continue to work together to deliver accountability and justice, and to reaffirm our commitment to the core tenets of international law.

Mr. Ruda Santolaria (Peru) (*spoke in Spanish*): Peru, as a country committed to multilateralism, international law and the principle of the peaceful settlement of disputes, welcomes Poland's initiative in convening today's important open debate. We want to highlight the presence of the President of Poland, Mr. Andrzej Duda, as well as other high-level participants. We would like to thank Ms. Maria Luiza Ribeiro Viotti, Chef de Cabinet of the Secretary-General; Judge Hisashi Owada, President Emeritus of the International Court of Justice; and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, for their briefings.

Peru would like to stress that in a world of increasing interdependence, the validity, development and defence of a rules-based international order are essential if the international community is to effectively address serious global challenges and threats to international peace and security. In that regard, we believe that the purposes and principles enshrined in the Charter of the United Nations, and a consistent approach to sustainable peace, should continue to guide our efforts to address contemporary conflicts. In particular, Peru believes it is essential to ensure that the United Nations, especially the Security Council, promotes the peaceful settlement of disputes in accordance with the provisions of Chapter VI of the Charter. We stress the importance of strengthening the Organization's capacities in preventive diplomacy and the early warnings required for that purpose, in compliance with Articles 1, 34 and 99 of the Charter.

In that regard, Peru supports the reforms proposed by Secretary-General António Guterres and his efforts, including those of his Special Envoys, to promote more coherent, efficient and effective action by the United Nations system to prevent conflicts and humanitarian crises. To that end, we welcome the establishment of strategic alliances with regional and subregional organizations, especially the African Union, and have great expectations for the recently established High-level Advisory Board on Mediation.

In the past few years, Peru has used various means to peacefully settle disputes, including submitting a dispute to the jurisdiction of the International Court of Justice and engaging in negotiations supported by friendly guarantor countries to resolve sensitive and complex border issues with its neighbours. On a basis of international law, we have excellent relations with them today that are undoubtedly in the interests of our people and theirs. In that context, we support the provision in Article 36 of the Charter for the Council to recommend that parties to a legal dispute should, as a general rule, resort to the Court. We also believe that it would be appropriate to request more frequent advisory opinions of the Court, in accordance with Article 96 of the Charter.

We want to take this opportunity to express our deep concern about the current frequent instances of violations of international law, including Security Council resolutions, and especially of international humanitarian law. We cannot maintain international peace and security without respect for the rule of law. For example, one of the cornerstones of the international order is the prohibition of the use of force in any way that is incompatible with the Charter of the United Nations. We are concerned about the possibility that some

countries are testing arguments and interpretations that are ultimately alien to international law and that undermine the system of collective security.

The Security Council is, in essence, a political body, with the primary responsibility to maintain international peace and security. That means defending and promoting a rules-based international order, which is evident, for example, with regard to its role in maintaining regimes for the non-proliferation of weapons of mass destruction. The Council is also a source of law, insofar as it adopts resolutions and presidential statements that may be binding. That implies an additional responsibility, since its decisions, or the lack of them, have a decisive impact on an effective, legitimate and predictable system of collective security. In that regard, there is much to be done. The Council also has a responsibility to promote access to justice by creating ad hoc tribunals, referring situations to the International Criminal Court and ensuring the implementation of its decisions through the cooperation of States. Accountability is vital in order to prevent the commission of atrocity crimes, which should not, under any circumstances, remain unpunished. The Security Council establishes various kinds of sanctions that create legal obligations for all States, which should always respect the guarantees of due process.

In conclusion, we would like to underscore the urgent need to respect the Charter of the United Nations and in particular the importance of the Council's remaining united in carrying out the imperative task of upholding and promoting international law and shouldering its primary responsibility for the maintenance of international peace and security.

Mr. Ma Zhaoxu (China) (*spoke in Chinese*): China appreciates the initiative of the Polish presidency of the Security Council to hold today's high-level public meeting on upholding international law and welcomes His Excellency President Duda to New York to preside over it.

I would like to thank Ms. Viotti, Chef de Cabinet of the Secretary-General; Judge Owada, Senior Judge on, and President Emeritus of, the International Court of Justice; and Judge Meron, President of the International Residual Mechanism for Criminal Tribunals, for their briefings.

The current global landscape is undergoing profound and complex changes. Local conflicts and turbulence keep popping up, terrorism is rife and regional security threats are on the rise. The authority and effectiveness of the system of international law, based on the Charter of the United Nations, face severe challenges. How to strengthen the status and role of the Charter and the principles of international law, which are based on the purposes and principles of the Charter, and thereby enhance international peace and security is a question that warrants in-depth reflection on the part of all States Members of the United Nations. I would like to address the following points.

First, all countries should stand by the purposes and principles of the United Nations Charter and reinforce the cornerstone of the principles of international law. The principles set out in the Charter, such as sovereign equality, non-interference in a State's internal affairs, the pacific settlement of disputes, the non-use or threat of use of force and the fulfilment of international obligations in good faith underpin contemporary international law and remain a yardstick by which to judge whether or not a given State act is legal or just and if it should be universally upheld by all Member States.

Secondly, all countries must effectively safeguard the mission and authority of the Security Council. The collective security mechanism of which the Council is the centre is a solid guarantee of the maintenance of international peace and security. In fulfilling its responsibilities for international peace and security, the Council represents the will of all Member States. The international community must support the Council in its efforts to resolve differences by political means and through constructive dialogue and consultation, in line with the purposes and principles of the Charter.

Thirdly, all countries must adhere to the principle of the peaceful resolution of international disputes. The sovereignty, independence, unity and territorial integrity of all countries must be respected. Unilateral military operations that are not authorized by the Security Council or that are not carried out in exercise of the right of self-defence run counter to the purposes and principles of the Charter and violate international law and the basic norms of international relations. The international community must adhere to multilateralism, renounce the Cold War mindset and zero-sum thinking, promote democracy and the rule of law in international relations and facilitate global governance through consultations.

Fourthly, all countries must implement and harmonize applicable international law in good faith.

The lifeblood of the law is its implementation. All countries must commit to upholding the authority of international justice, exercise their rights under the law and fulfil their obligations in good faith. National and international judicial bodies should ensure that international law is applied in an equal and uniform manner, with no double standards or imposition of one country's will on another. The implementation of unilateral sanctions hinders and weakens the integrity and effectiveness of measures taken by the Council and should therefore be abandoned.

Peace and development are the current leitmotiv. Win-win cooperation is a general trend, and advancing the international rule of law is a common aspiration. Looking forward, we must adhere to the five principles of peaceful coexistence. We must respect the sovereign rights of States to choose their own social systems and paths to development and respect one another's core interests and concerns. No country is entitled to wilful breaches of international law. All countries should follow a new approach to inter-State relations that features dialogue rather than confrontation, and partnerships rather than the forming of alliances, in order to properly manage contradictions and differences and achieve lasting peace.

Looking forward, we must foster a new philosophy of common, comprehensive, cooperative and sustainable security. All countries should strengthen cooperation efforts so as to coordinate responses to traditional and non-traditional security threats and prevent the scourge of war in the first place. We must deepen bilateral and multilateral cooperation, promote coordination, tolerance, complementarity and cooperation among the various security mechanisms and implement common and shared security.

As a founding Member of the United Nations and a permanent member of the Security Council, China will continue to contribute to world peace and global development and to uphold the international order. China stands ready to work with all countries to promote the establishment of a global governance concept of cooperation, joint development and sharing; maintain and strengthen an international order and system based on the purposes and principles of the United Nations Charter; and actively promote a new model of international relations of mutual respect, fairness, justice and win-win cooperation, in a joint effort to build a community for a shared future for humankind.

Mr. Skoog (Sweden): I would like to thank Judge Owada, Judge Meron and Chef de Cabinet Viotti for their briefings.

The Charter of the United Nations sets out the ambition to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind. Sadly, seven decades after the Charter was signed, the scourge of war continues to bring untold sorrow. Yet, the vision set out in the Charter in 1945 was not naïve. It embodies a clear view of how to ensure a better path for the world. As stated in its Preamble, it seeks

> "to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest".

That is, that international law and international institutions should harness war. That vision holds true today.

Sweden warmly welcomes Poland's initiative to convene today's meeting. We believe that it is a timely discussion, taking place at a moment when severe strains are being placed on international law.

International law is an essential part of modern international relations and, although invisible to most, is an essential part of modern life. Almost everything we do is dependent on international agreements and international cooperation — the ability to talk to friends and family overseas by mail, phone and email; to travel and discover one another's cultures; to engage in international trade; and to protect our societies from global health risks or through criminal law cooperation. The list is a very long one. This tapestry of international rules and institutions enables international cooperation and in many cases prevents and manages conflicts. It creates stability, predictability and regularity while allowing for peaceful change. Most rules are followed by most actors most of the time. Such is the moral expectation; violations are the exception to the rule. Compliance is also our only enlightened and civilized option, the alternative being indiscriminate chaos, with the most powerful intervening at their whim.

We have created these mechanisms to protect the rights and interests of States, peoples and individuals. They are not only essential for the maintenance of international peace and security but also confirm the duty of all States to settle disputes by peaceful means.

In today's debate, many will reaffirm, and have reaffirmed, their commitment to respect for international law. Yet we need to be clear-sighted. The implementation of international law is being challenged in many quarters, and efforts to undermine the legal fabric built to protect us are threatening international peace and security.

No State can be above the law. Yet all too often the Council deals with situations in which international law has been violated. Such breaches aim to undermine a system that, ultimately, is there to protect us all.

In Syria, seven years of war have borne witness to some of the most egregious and sustained violations of international humanitarian law in modern times. Civilians are consistently targeted, and humanitarian agencies are regularly denied access to those in need of assistance. When such conditions prevail, it is our duty to act. It was for this reason that, with Kuwait, we submitted resolution 2401 (2018), adopted unanimously by the Council in February (see S/PV.8188). In Backåkra, Sweden, the summer residence of former Secretary-General Dag Hammarskjöld, the Council confirmed that the use of chemical weapons is a violation of resolution 2118 (2013) and is unacceptable. We also reaffirmed our commitment to establishing an independent and impartial attribution mechanism.

In Ukraine, Russia's continuous aggression and illegal annexation of Crimea is an ongoing breach of international law. The redrawing of borders backed by military power represents a threat that goes beyond Ukraine; it is a challenge to the international legal order and the United Nations Charter as such, and thus a threat to all States.

The Israeli-Palestinian conflict has lasted for more than half a century, and flagrant violations of international law, such as illegal settlements, continue. The prolonged occupation of Palestine has an extended negative impact on the daily lives of the Palestinian people and undermines respect for international law. As repeatedly stated by the Secretary-General, the only sustainable way forward is a two-State solution based on international law.

Finally, in Myanmar, just weeks ago, Security Council members witnessed the appalling situation of the Rohingya minority. Systematic, widespread and coordinated acts of violence strongly indicate that crimes against humanity have been committed. Impunity for such crimes cannot be tolerated, and the Council cannot abdicate its role in ensuring that those responsible are held to account.

These are examples of situations where conflicts and suffering could have been prevented or mitigated if international law had been respected.

We must ask ourselves how it can be that we succeed in using the tools of international law in most areas yet fail in this most critical one, protecting the life and dignity of our fellow human beings. The Council, which the Charter entrusts with the ultimate power, has a duty to meet its responsibility to hold those who violate international law to account and to bring justice to the peoples whom the Charter was promulgated to protect. Our credibility depends on it.

The Security Council essentially has all the tools necessary to respond and to maintain peace in accordance with the Charter. We, its members, acting on behalf of all members of the United Nations, have an obligation to shoulder this responsibility, and the permanent members have a particular responsibility. That is why the use of the veto to protect narrow national interests in situations of serious violations of international law is totally unacceptable. I call on all members to adhere to the Accountability, Coherence and Transparency group code of conduct and the Franco-Mexican initiative on restraint in the use of the veto. Three points are particularly important.

First, on early warning and the peaceful settlement of disputes, the Council needs to do more than react to violence. It must use the early-warning tools available to it to the fullest extent possible. Early-warning mechanisms and relevant and independent information from the ground play a crucial role in enabling the Council to effectively assess, address, prevent and respond to conflicts and threats to international peace and security. The Council must make better use of the tools at its disposal to advance the peaceful settlement of disputes provided for in the Charter, including the legal mechanisms available.

We have a Secretary-General who is very committed to conflict prevention and peaceful settlements. We encourage him to integrate the relevant international law perspectives and tools more clearly in reporting to the Council.

Secondly, the role of international law in sustaining peace must be further developed. International law and the institutions that uphold it provide a

common basis for addressing the root causes of conflict, including violations of human rights and of international humanitarian law; environmental and climate change; justice-related issues and inequality. It provides frameworks for inclusive development and the empowerment and full and effective participation of women, as well as other prerequisites for peaceful societies. As such, international law is not only fundamental to bringing an end to conflicts but also imperative in order to prevent them in the first place and to build sustained peace.

Finally, the Council needs to come back to addressing the entire spectrum of the peace and justice agenda. Accountability is not only justice done and reparations, it also deters and prevents crime and abuse. The national responsibility for addressing violations must be emphasized. But where that is lacking, the international community, including the Council, must use the means available under international law to act.

The universal jurisdiction of States and the complementary mandate of the International Criminal Court should be used when national authorities are unable or unwilling to prosecute those responsible for mass atrocities.

In this regard, we are pleased that the crime of aggression in the Rome Statute will soon be activated. It is a historic event when not only States but also individuals can be responsible for this crime.

We need to effectively achieve the purposes and principles of the Organization by faithfully adhering to international law as set out in the Charter. This is not just a legal and political imperative; it is a question of common interest. Those who seek to undermine our common legal protection should be wary of doing so; the longer-term and wider consequences of weakening any single instrument can be hard to predict.

Mr. Llorenty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): My delegation would like to welcome the presence here of the President of the Republic of Poland, His Excellency Mr. Andrzej Duda, and his delegation, and to thank him for having convened this important meeting. We also express our appreciation for the important participation of the President Emeritus of the International Court of Justice, Judge Hisashi Owada, and the President of the International Residual Mechanism for Criminal Tribunals, Judge Theodor Meron. We also thank the Chef de Cabinet of the Secretary-General for her briefing.

We would like to take this opportunity to extend warm and fraternal greetings to all our Muslim brothers and sisters and wish them a blessed Ramadan.

International law is built on the rights and duties of States and on the limits that these mutually agree to observe in the exercise of their sovereignty. With this in mind, the assigning of prerogatives to various organs and systems establishes an international order regulated by international agreements and treaties, which form the backbone of international relations and establish a binding framework providing certainty, equality and security. The acceptance of these international norms by all States is what guarantees the existence of an international order that involves all States and makes the maintenance of international peace and security possible.

The twentieth century was characterized by the strengthening of multilateralism as a basic element of relations among States and respect for the fundamental norms of international law. Thus, in a multipolar world, equality among States prevails, and the Charter of the United Nations is the cornerstone that makes possible this interaction and coordination. However, along with the emergence of this community of relations and interaction, we are also seeing breaches of international law, which are posing a major threat to the maintenance of international peace and security.

During the twentieth century and at the beginning of the twenty-first century, we have witnessed such violations, which have involved a reinterpretation, redefining or selective application of the provisions of these various instruments by some so as to adapt them to their points of view and agendas. They have even gone so far as to extend their internal security policies to the sphere of international relations, applying a kind of exceptionalism in complying with their obligations and United Nations resolutions. Such a breach of the rule of law and the sovereign equality of States is reflected in interventions, occupations, regime-change policies and the application of unilateral coercive measures, which, in flagrant violation of the sovereignty, independence and territorial integrity of States, have led to humanitarian disasters and have destroyed entire nations under the rationale of enforcing international law. In that regard, the Charter of the United Nations is very clear, through the provision in Article 2, paragraph 4, that Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in

any other manner inconsistent with the purposes of the United Nations. One can clearly not claim to defend international law by violating international law.

The effectiveness of the efforts of our Organization in preserving and maintaining international peace and security lies precisely in the degree of its Members' adherence to, respect for and compliance with the purposes and principles of the Charter of the United Nations, as well as actions that are implemented by the Security Council, which must at all times prioritize dialogue and the peaceful settlement of disputes as opposed to the use or threat of force, intimidation or interventionism.

The effective application of negotiation, mediation, reconciliation, prevention and the legal arrangements for the peaceful settlement of disputes, as well as the primary use of the provisions of Chapters VI and VIII of the Charter of the United Nations, are indispensable to the analysis and comprehensive consideration of conflicts and their particularities. To that end, it is essential to recall and to bear in mind the provisions of Article 2, paragraph 3, of the Charter, which establishes the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

It is important to emphasize that the Charter could have stipulated the obligation to settle disputes in accordance with international law. However, instead it emphasized that the obligation is to settle them in such a manner that international peace and security, and — I underscore — justice, are not endangered. In that context, justice is a value that all Members of the Organization are obliged to respect and promote. It is a positive duty, which requires more than only refraining from acting unlawfully. It requires effective efforts to establish a fair outcome in situations where international relations are distorted by injustice.

In that context, as the principal judicial organ of the United Nations, the International Court of Justice plays a key role in the peaceful settlement of disputes and reinforces the provisions of Chapter VI of the Charter. The universal jurisdiction for which the Court was established and the work that has developed over the 71 years since its establishment demonstrate the ongoing call for dialogue, at all times prioritizing negotiation and peace over the use of force and aggression. As a highly peaceful State, Bolivia reaffirms its commitment and support to the work undertaken by the International Court of Justice.

It is also important that, in the context of the responsibilities set out in Article 36, paragraph 3, of the Charter, the Security Council make use of all the tools and mechanisms provided by the Court, including the delivery of advisory opinions, which represents a preventive way to settle disputes and contributes significantly to the fulfilment of the obligation of States to settle their international disputes through peaceful means.

Furthermore, the Rome Statute, which provided for the establishment of the International Criminal Court, made it possible to create a universal criminal justice system in order to investigate and prosecute crimes against humanity and war crimes and to fight impunity. Unfortunately, the effort to achieve true universality in criminal jurisdiction did not receive the support of all Member States, since several members of the Security Council, including permanent members, are not States parties to the Rome Statute despite the fact that it is precisely the Council that has the powers to refer cases to its jurisdiction. In that regard, universality is still a clear challenge and requires the commitment of all States to fighting impunity.

In that regard, a successful example in the pursuit of justice and accountability was the establishment of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda through resolutions 827 (1993) and 955 (1994), respectively, which, in addition to contributing significantly to justice by fighting impunity, played an important role in restoring the rule of law in the countries of the former Yugoslavia and in Rwanda.

In conclusion, we reiterate that full compliance with the commitments assumed under international law is indispensable for the maintenance of international peace and security. There can and should be no area where double standards are used in the application of those norms, since such acts are contrary to international law and undermine the work of our Organization and the efforts of the international community.

Mr. Djédjé (Côte d'Ivoire) (*spoke in French*): I thank the Polish presidency of the Security Council for organizing this open debate on upholding international law within the context of the maintenance of international peace and security. The presence of the President of Poland among us, as well as his outstanding

conduct of our work, illustrates the special interest that Poland attaches to respect for international law, which is an essential condition for strengthening international peace and security.

My delegation also thanks Ms. Maria Luiza Ribeiro Viotti, Chef de Cabinet of the Secretary-General, Judge Hisashi Owada, former President of the International Court of Justice, and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals, for the quality of their briefings.

On 23 September 2017, the Special Chamber of the International Tribunal for the Law of the Sea ruled in favour of Ghana, a neighbouring country of Côte d'Ivoire, in a dispute between our two countries over the delimitation of our maritime boundary. Côte d'Ivoire, respecting international law, accepted the decision of the Tribunal. As part of implementing the decision, the two countries established the Ivorian-Ghanaian committee for the implementation of the decision of the International Tribunal for the Law of the Sea, whose first meeting was held in Abidjan three days ago, on 14 May. Well before the establishment of the committee, Côte d'Ivoire and Ghana, concerned about preserving peace, decided to strengthen their cooperation through a strategic partnership agreement, concluded on 17 October 2017. By accepting the verdict of the International Tribunal for the Law of the Sea, Côte d'Ivoire thereby demonstrated that respect for international legal norms can contribute effectively to the maintenance of peace and security in the world.

Today's debate is extremely relevant in an international context marked by numerous conflicts, leading to serious violations of international law, including human rights and international humanitarian law. To that end, Côte d'Ivoire welcomes the important role of the Security Council, as the guarantor of the maintenance of international peace and security, in promoting the rule of law as a element of peace, stability and development.

At the end of the post-electoral crisis that my country experienced, we resolutely committed to a policy of post-crisis reconstruction and national reconciliation with a view to strengthening peace. That policy is based on three essential pillars, namely, economic and social recovery with a view to equitable development; the disarmament, demobilization and reintegration of ex-combatants, as well as security sector reform; and combating impunity through the impartial justice necessary to reconciliation. The implementation of the third pillar in a post-crisis context meant restoring the judicial system. My delegation would like to reiterate its thanks to the United Nations and the international community for the many initiatives that have been taken to strengthen the rule of law, including security sector and justice system reform.

The Charter of the United Nations, which underpins our collective action, provides for tools to strengthen the rule of law and promote international law. Among other things, they include the powers of the General Assembly, the Security Council and the International Court of Justice. With regard to the General Assembly, the powers granted it in Article 11 of the Charter provide for it to study and discuss all issues and principles relating to the maintenance of international peace and security and to bring them to the attention of Member States and the Security Council. With regard to the Security Council, Article 24 of the Charter entrusts it with primary responsibility for the maintenance of international peace and security, with specific powers defined in Chapters VI, VII, VIII and XII.

As for the International Court of Justice, it has the power to interpret and apply international treaties and international law in general. However, since the jurisdiction of the Court depends on the principle of the consent of States, in practice the administration of international justice may prove difficult. As a result, it is up to States to avail themselves of this judicial body, which makes a significant contribution to ensuring international peace and security. In this regard, my delegation strongly encourages all Member States that have not yet done so to recognize the jurisdiction of the Court as the principal judicial organ of the United Nations.

Respecting the Charter of the United Nations and promoting international law in the context of maintaining international peace and security also call for a strong commitment to multilateralism in the spirit of collective security, and for refraining from the unilateral use of force in the settlement of disputes. In promoting the rule of law, the international community must not lose sight of the importance of respect for the sovereignty, equality and territorial integrity of States, which are the founding principles of the maintenance of international peace and security.

When considering countries in conflict situations, most Council members have often expressed concern

about violations of human rights or international humanitarian law and have consistently called for the effective implementation of the principle of accountability. In that regard, my country encourages States to fulfil their obligation to end impunity and to prosecute, with thorough and impartial investigations, those suspected of committing war crimes, genocide or other serious violations of international humanitarian law. In this context, Côte d'Ivoire would like to stress the importance of the prevention of crises and of ensuring the responsibility to protect, among the various challenges facing our Organization.

In promoting international law, the United Nations has the advantage of being extraordinarily productive, and its impressive number of international legal texts reflects the vigorous activity of the Organization in this realm. The real challenge for us all, however, lies in implementing and upholding those texts.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): The Russian delegation would like to welcome today's discussion and thank our Polish colleagues for this initiative. We are also grateful to today's briefers, Ms. Viotti and Judges Owada and Meron, for their opinions.

There is no question that the topic of today's meeting is important and timely. It harks back to the origins of the United Nations and the League of Nations, to their forefathers and the foundations they created for international relations, now enshrined in the Charter of the United Nations. The Preamble to the Charter proclaims that the peoples of the United Nations are determined

> "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

It also enshrines the founding principles and norms of international relations, from the sovereign equality of States and prohibition of interference in their domestic affairs to the ban on the use of force in international relations without permission from the Security Council or beyond the purposes of self-defence.

In Russia we have always considered international legitimacy as a fundamental aspect of stable peace and security. As far back as 1899, Emperor Nicholas II initiated the first Peace Conference at The Hague, which not only instituted the codification of the rules for the conduct of war but also the procedures for the pacific settlement of international disputes. Our country also made a significant contribution to the Nuremberg principles, which became a milestone civilizational standard. These and other rules were designed to rid the world of the terrible legacy of the Second World War and the errors of the past. The Charter of the United Nations and the developing international law based on it created a firm foundation for intergovernmental relations. It all seemed so simple. Live and let live, and help those who ask for help. But in spite of that, as the Polish presidency rightly noted in the concept note for today's meeting (S/2018/417, annex), violations of international law continue in many parts of the world.

I would add that to this day it is not just specific norms and rules that are violated but rather the founding principles of international law. The principles of good faith and cooperation among States are being increasingly replaced by military, sanctions-based or political pressure, taking the world back to an era before the Charter, when all disputes between States were resolved by force.

Some States still believe that the whole world should live according to their model, their domestic laws and principles, their national interests. The old notions of exceptionalism and domination remain unchanged at the heart of their approach to international affairs. Their reckless, opportunistic attempts to impose their will on the other participants in intergovernmental relations never cease even for a moment. It appears as if that these States have continued to cling to a colonial attitude that divides countries into two categories — those that possess every right and those to which the standards for such rights do not apply. That is why we see blackmail, threats and provocations — all the way to the unlawful use of force against sovereign States — raised to the level of Government policy. Our partners from Equatorial Guinea spoke of that blackmail today, and we share their concerns. Such things are unacceptable. They do serious damage to regional and global stability and lead to the spread of extremist and terrorist ideology. All of that keeps the world in a state of permanent tension and makes it less and less predictable.

An analysis of recent events in Syria is extremely revealing in that regard. First, let us ask ourselves what was and still is the reason for the military presence of the United States and the coalition it leads in Syria. As we all know, they were not invited by the country's legitimate authorities, which with the help

of friendly States are themselves fighting terrorism quite effectively. In the early stages, the coalition partners made awkward references to self-defence against terrorism. Now, however, they increasingly justify being uninvited guests with references to the aims of so-called geopolitical stabilization. And as for international law, the West long ago came up with a formula for that — "illegal but legitimate". This international legal nihilism culminated in the aggression against Syria on 14 April. It is not just the fact that the pretext was cooked up beforehand and was a crude fake. Even if we imagine that a country may have theoretically committed some violation, we all know that armed reprisals are prohibited in international law. We would like to point out that the use of military force against a State is permitted only when sanctioned by the Security Council or for self-defence, as paragraph 4 of Article 2 and Article 51 of the Charter clearly state in one of its best known and most widely cited provisions. Today we will be circulating the statement that our President made on 14 April on the matter as a Security Council document.

In the circumstances, it is not surprising that we have not seen the United States, Britain and France make any special efforts to come up with some sort of justification for their actions on 14 April. Their illegality from the point of view of international law is so obvious that the people in those countries' capitals are themselves clearly aware of it all. It seems that was exactly what the President of Poland was talking about today when he urged us not to be shy about calling acts of aggression by their names. And that is what I am doing now. The only country that has attempted to explain anything is the Government of Great Britain. London could not come up with anything better than a reference to the concept of humanitarian intervention as essential to preventing the suffering of the Syrian people. But we all know that the world community has rejected that even as an abstract theory. Attempting to present it as some kind of rule that can permit an armed attack on a sovereign State is all the more absurd.

Ultimately, what we have is three permanent members of the Security Council — founders of the United Nations and nuclear Powers, in theory obliged to uphold the provisions of the Charter on the non-use of force — committing an act of aggression against a sovereign State. And many more in the Council went along with it and shielded them. Is it really not clear that if such antics are left unanswered, similar lawless actions could be taken tomorrow against those who stayed silent today? And it is in circumstances such as these and with this kind of behaviour by external actors that the United Nations and its Security Council are compelled to work on a political settlement in the Middle East generally and in Syria in particular. What is astonishing is that those same actors take it on themselves to lecture States on the rules of conduct in the international arena. They long ago lost the moral right to tell others what to do.

The internal crisis in Ukraine is another consequence of external players' gross violation of international law, in this case the principle of non-interference in the internal affairs of States. It is well known that the opposition movement, which took the form of an unconstitutional coup and the Kyiv regime's war on its own people, was inspired from outside. The result has been general chaos and lawlessness, economic collapse and rampant nationalism and extremism that threaten even Ukraine's neighbours. And, shamefully, everyone turns a blind eye to it. Today in this Chamber our Polish Presidents spoke about Ukraine and were embarrassed to talk about the fact that in Kyiv today they glorify those fighting on Hitler's side who took part in the murders of hundreds of thousands of Poles, Jews and Russians during the Second World War. Are they not therefore tacitly agreeing with the propaganda about the gravest crimes and at the same time denying the decisions of Nuremberg?

If for political or any other reasons they can allow themselves not to notice this, we have no such inhibitions. Of course, it is much easier to blame everything on Russia than to get Kyiv to launch a dialogue with its own citizens in eastern Ukraine. We have no intention of listening to lectures about Crimea. The way it became part of Russia was in full compliance with international law and specifically the right to self-determination. That issue is settled. In anticipation of the Ukrainian delegation's statement, which will certainly not be distinguished by having anything new to say, I will just state in advance that we will not react to such insinuations.

Today I am obliged to touch on another topic, directly related to the work of the diplomatic corps accredited to the United Nations. The United States authorities, in their belief in their own impunity, recently took their unilateral actions so far as to rewrite even the rules of diplomatic and consular relations. The issue of the United States authorities' abuse of

the benefits of the existence on its territory of the Headquarters of our global Organization has now also appeared on the agenda. This is about the undisguised imposition of sanctions on delegations. The recent large-scale expulsion of Russian diplomats, including those working for the United Nations, is a blatant case of that, but not the only one, unfortunately. This is about the seizure of Russian real estate on United States territory, including parts of the Permanent Mission to the United Nations, restrictions on the freedom of movement for diplomats from a number of missions to a 25-mile-radius zone and numerous delays in issuing and extending visas. Washington's gross violations of the conventions on diplomatic and consular relations and the United Nations Headquarters Agreement have become commonplace. This is a serious problem that is hanging over the entire Organization and each of its members. I want to stress that this is not a matter of our bilateral relations with the United States, it is a violation of international law.

Russia has always believed in the importance of strengthening the rule of law at the international level. In 2016, together with China, we developed a joint declaration on enhancing the role of international law. In addition to the principles of non-interference, the sovereign equality of States, the non-use of force, the inadmissibility of unilateral measures and the extraterritorial application of national law by States in violation of international law, it gives considerable attention to the principle of the peaceful settlement of disputes. The declaration affirms our firm commitment to that principle and our belief that States are obliged to settle disputes with the help of means and mechanisms for resolving disputes agreed on between them. In order to maintain the world order, it is crucial to ensure that all such means and mechanisms are used in good faith and that their aims are not undermined by abuses.

In conclusion, I would like to emphasize that we are determined to strengthen our cooperation with all responsible members of the international community in order to maintain and enhance the role of international law and to establish of a just and equitable order based on international law.

Mr. Delattre (France) (*spoke in French*): I would like to thank Poland for holding today's important debate on upholding international law within the context of the maintenance of international peace and security. We are very honoured today to welcome the President of the Republic of Poland. I would also like to thank the speakers for their very informative briefings.

People's aspirations have not changed since the Charter of the United Nations was adopted in 1945. From Syria to Burma, from Yemen to the Central African Republic, from the Democratic Republic of the Congo to South Sudan, in Palestine as in Israel, human beings want to live in peace in a world where their dignity is respected and their rights and freedoms are protected. That goal cannot be achieved without the rule of law. International law is at the heart of the DNA of the United Nations. It is the cornerstone of the multilateral order erected at the end of the Second World War by a generation that, after experiencing the terrible consequences of two global conflicts, viewed the law as an essential instrument for resolving crises and restoring peace. That is why international law is at the heart of the principles of the Charter and the constituent treaties of regional organizations such as the European Union. Let me touch on some of the major issues that illustrate the importance of international law for the maintenance of peace and international security.

First, the Security Council acts as a guarantor of international legality when exercising its responsibility for the maintenance of international peace and security. That is what the Council does when it calls on parties to work to peacefully resolve disputes based on the methods outlined in Chapter VI of the Charter, and when it supports the increasing power of regional partners under Chapter VIII of the Charter. We support the commitment of the Secretary-General in that regard, and I welcome his presence and the statement made by his Chef de Cabinet.

The Security Council also acts as the executive arm of international law when it calls on Member States to respect their obligations. In that respect, international law represents a complex architecture balanced between the various legal regimes that are critical to the maintenance of peace and security. It is the responsibility of Member States to ensure that the balance between those rules is maintained when new legal instruments are introduced, so as not to undermine the framework put in place to maintain international peace and security. An example of that is the framework designed to prevent the proliferation of nuclear weapons.

Finally, Council decisions help to enforce international law, in particular when it involves the

adoption of sanctions or when it authorizes the use of force under Chapter VII. Such decisions may be aimed at ensuring that violations of international law do not go unpunished, particularly when it comes to preserving the sovereignty and territorial integrity of a State or preventing attempts to use force to challenge its borders. In any event, it is important to recall that States should not recognize any annexation, such as the illegal annexation of Crimea, resulting from a territorial acquisition obtained by the threat or use of force. I also want to reiterate here that the principle of sovereignty cannot be invoked to excuse a State from complying with its international obligations under Security Council resolutions, international humanitarian and human rights law or treaty obligations. The Charter was not created to absolve criminals.

That brings me to my second point, concerning the Council's contribution to the fight against impunity, which must be strengthened further. The Security Council supports the fight against impunity when it mandates peacekeeping operations to assist national authorities to arrest and bring to justice those suspected of being guilty of the most serious crimes, including by cooperating with the States of the region and the International Criminal Court (ICC), as is the case with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. It contributes to the fight against impunity when it supports the establishment of national and hybrid tribunals, for example in the Central African Republic, where the Special Criminal Court is supported by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. The Council also works to fight impunity when it creates tribunals. I would like to commend, through President Meron, the impressive work undertaken by the International Tribunals for the Former Yugoslavia and Rwanda in the service of international peace and criminal justice.

France stresses the major role in this area of the International Criminal Court, whose potential contribution to peace and justice has unfortunately still not been fully realized, 20 years after its establishment. That is particularly the case with regard to the situations in Darfur and in Libya. It is regrettable that in the absence of sufficient cooperation with the International Criminal Court, trials could not be initiated in those two situations to investigate the responsibility of those suspected of large-scale crimes. The Council has the responsibility for dealing with failures to cooperate where they concern its own referrals to the ICC.

Thirdly and finally, if the Council is to fully carry out its mission, it cannot allow itself to be paralysed or subject to repeated blockages by some of its members. That responsibility lies with each member of the Council. In that respect, and considering the Syrian regime's serious and systematic violations of all its obligations, France will continue its efforts at the highest level and with all its partners to find a path to a political solution for Syria, and it is in that spirit that President Macron will visit Russia at the end of this month.

In 2013, in order to prevent blockages in cases where mass atrocities have been committed, as in Syria or Burma, France called for a unilateral suspension of the veto in the form of a voluntary political commitment by the five permanent members of the Security Council. We have advanced that initiative with Mexico, and now 100 States Members of the United Nations support it. That measure can be implemented immediately and to the benefit of the entire international community. The permanent members must be exemplary not only when it comes to implementing Council resolutions but also in respecting the accords that they themselves have agreed to or helped to formulate.

In view of the divergent interpretations that may exist in the Council, the International Court of Justice, the presence here of whose President Emeritus I would like to acknowledge, has a major role to play in providing the necessary clarifications for a harmonious interpretation of international law. In that regard, in certain situations the Council may use its prerogative to refer one or more points of law to the Court, it being understood that the exercise of this jurisdiction must not be used to settle bilateral disputes.

Considering that global threats have never been so numerous, it makes no sense to accept unilateral withdrawals and temptations. On the contrary, it is only through a voluntarist, renewed and demanding multilateralism that we can tackle the world's challenges. International law must be at the heart of the strong multilateralism that we are calling for. That is why respect for international law and its development are top priorities for French diplomacy. It is in that spirit, in the wake of the Paris Climate Change Agreement, that France has proposed to consolidate international environmental law by proposing a global pact for the environment, launched by the General Assembly a few

days ago through its adoption of resolution 72/277. France intends to continue those efforts with all of its partners in the coming months.

Mr. Alemu (Ethiopia): My delegation would like to express its deep appreciation to the Polish presidency for organizing this high-level open debate, and we are pleased that the President of Poland presided over the start of the meeting.

We thank the Chef de Cabinet and Judges Owada and Meron for their informative briefings. I would like to express my appreciation to Judges Owada and Meron for their effort to help us to come to grips with the issues surrounding accountability and the challenges it presents. I am particularly appreciative of Judge Meron's comprehensive treatment of this very vital legal matter, in which he also very rightly stressed the importance of avoiding selectivity, which would unquestionably undermine any efforts to ensure that a system of accountability is put in place. That is a problem the Council has yet to overcome.

It is an understatement to say that we are living in dangerously complex times. We are facing unprecedented challenges and threats to global peace and security. Multilateralism and the rules-based international order are under enormous strain. Collective action and respect for basic norms and principles of international law have therefore never been more essential than they are today. That is all the more true today because we are living in an increasingly interconnected and interdependent world. What happens in one corner of the world can easily affect us all, whether it is terrorism, the proliferation of weapons of mass destruction, climate change or a pandemic.

No one can remain unaffected by these problems, nor can anyone claim to have a panacea by which to address them alone. We can do so only if we work we work together. That is why now more than ever we need a rules-based international world order. We cannot afford to remain silent when established international norms and principles are being challenged and undermined. History teaches us that indifference to blatant disregard for the purposes and principles of international law that govern inter-State relations can only lead to catastrophic consequences. That is why upholding international law is absolutely necessary, making today's deliberations all the more timely and relevant. That is in the interest of all States, without exception, but there can be no question that African States have a deep attachment to rules-based interactions among nations, for obvious reasons.

There is no peace without law, as the President of Poland said. The role of the United Nations and its various organs, including the Security Council, continues to be crucial in this regard. Of course, the Organization can only be as good as its Members allow it to be, and the United Nations has no life independent of its membership. It is in that context that the existence of a healthy relationship among members of the Council is the major determinant of the effectiveness of the United Nations in advancing its historic mission, which is so explicitly stated in the Preamble to the Charter of the Organization. But recent developments have served only to highlight how much the lofty ideals of the Charter, instead of being brought closer to realization, appear in fact to be objectives that are far from doable. However, this situation should not be allowed to define what humankind is capable of achieving in politics. It is therefore imperative that we must make every effort to undo the situation by redressing the enormous trust deficit among nations and allowing diplomacy and multilateralism to work.

We do not need to reinvent the wheel to do that. All that is required is absolute commitment and strict adherence to the purposes and principles of the Charter of the United Nations, which remain as relevant today as they did at the Organization's inception — safeguarding international peace and security, promoting respect for human rights and ensuring sustainable development for all. Of course, if we are to meet the needs and aspirations of current and future generations, the Charter principles have to be applied in a manner that is consistent with the realities of our time. That is why we have been giving our full support to the Secretary-General's reform agenda.

Unfortunately, we have yet to take full advantage of what the Charter can offer to help us overcome the constraints of self-defeating policies based on narrow national-interest calculations, which ipso facto lead to double standards that in turn undermine the credibility of the Organization. In that regard, the most critical matter is to be consistent in our fidelity to the principles of the Charter — sovereign equality, territorial integrity, political independence, non-intervention in others' internal affairs and the peaceful settlement of disputes.

The rules-based global order constitutes a foundation for the promotion and maintenance of

international peace and security as well as for fostering friendly relations and cooperation among States. It is certainly never easy or even possible, in fact, to ensure that the rule of law will become a firm basis for relations among nations, large or small, to the same degree that it constitutes the foundation for democratic governance at the national level. On the other hand, we cannot abandon the effort to adhere to the principles of international law governing inter-State relations, despite the fact that it may be an uphill struggle to fully achieve such a goal. There is not really another sane option.

Given its primary responsibility for the maintenance of international peace and security, the Security Council should indeed play a vital role in ensuring strict adherence to the rules-based international system. As much as there have been instances when the Council has stood its ground in order to uphold principles of international law, there have also been several when it failed miserably to do so, tarnishing its image and credibility immeasurably. We therefore certainly need to draw lessons from those shortcomings and make all the necessary efforts to redress them. That is what the situation calls for, and we should summon our collective will to do better. That is what will enable the Council to effectively respond to the challenges of our time and live up to the responsibilities entrusted to it by the United Nations Charter.

Mr. Alotaibi (Kuwait) (*spoke in Arabic*): At the outset, I would like to express my best wishes to the Arab and Muslim nations on the occasion of the holy month of Ramadan. I hope it will be auspicious for our peoples and nations.

I would like to thank you, Madam President, for convening today's important debate on the topic of upholding international law within the context of the maintenance of international peace and security, and Ms. Maria Luiza Ribeiro Viotti, Judge Owada and Judge Meron for their briefings.

The rule of law is the mainstay of the three pillars of the United Nations — international peace and security, human rights and development. When it comes to international peace and security, the key issue that the Charter of the United Nations refers to is the achievement, by peaceful means and in conformity with the principles of justice and international law, of adjustments or settlements of international disputes or situations that could result in a breach of peace.

When it comes to human rights, every human being deserves to be treated with dignity and respect and is entitled to the full enjoyment of human rights. Those rights are protected by law, including international human rights law, international humanitarian law and other relevant international norms, and all are essential to a life of dignity.

With regard to development, the States Members of the United Nations, through the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels adopted on 24 September 2012 (General Assembly resolution 67/1), have stipulated that the rule of law and development are interconnected and mutually reinforcing. The promotion of the rule of law at national and international levels is vital to ensuring sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the enjoyment of human rights, including the right to development. Progress on all those issues further strengthens the rule of law. After discussing the pivotal role of the rule of law in strengthening the three pillars of the United Nations, I will focus on three main issues: the implementation of resolutions and the enforcement of resolutions and laws on the ground, the unity of the Council and the peaceful settlement of disputes.

With regard to the implementation of resolutions and the enforcement of laws, when we discuss international law in the Council, it is incumbent on us as Council members to implement the resolutions that we adopt and hold accountable those responsible for violating international law. There are many Security Council resolutions that have not been implemented on the ground. There are many Members of the United Nations who violate international law and the principles of the Charter of the United Nations with full impunity. As an example of the violation of international law, I need only cite the Palestinian question — an issue that has been discussed in all United Nations forums for seven decades owing to the repeated violations of international law and resolutions adopted by the Council, the General Assembly and other United Nations bodies. The unilateral measures adopted by Israel, the occupying Power, which has sought to change the situation on the ground in occupied Palestinian territory, including continued settlement activities and the expansion of existing settlements, are all illegal and illegitimate activities. They represent a flagrant violation of the relevant Security Council resolutions

and the international law — as does moving diplomatic missions to Jerusalem.

The Syrian crisis has entered its eighth year with no substantive solution in sight. The Security Council has adopted many resolutions on the matter, including resolution 2401 (2018), introduced by Kuwait and Sweden and adopted unanimously in February, calling on all parties to halt military activities throughout Syria to ensure the delivery of humanitarian assistance and medical evacuations. That is another clear sign of non-compliance with our resolutions. We must be frank with ourselves on the Council. As the concept note (S/2018/417/Rev.1, annex) states, inadequate implementation of Council resolutions undermines the credibility of the Council and encourages rogue States to defy them, while compromising the credibility of the Council as a tool for maintaining international peace and security.

Secondly, concerning the unity of the Council, we stress the centrality of unified action, especially on the Council, so as to contribute to the maintenance of international peace and security and the promotion of the rule of law with the tools at our disposal. The success of those tools depends on the unity of the Council. For years, the failure of the Council to resolve numerous crises owing to divisions among members has led to the use of the veto. That was clearly evidenced with regard to the issues of Palestine and the Syrian crisis. Accordingly, Kuwait supports the Mexican-French initiative and the Accountability, Coherence and Transparency group code of conduct, which call for refraining from use of the veto in cases of genocide, crimes against humanity and war crimes.

We stress the need for the unity of the Council, especially among its permanent members, so that it can play its role in maintaining international peace and security, adopt the necessary effective measures and resolutions and strengthen the rule of law, while ensuring accountability and preventing impunity, especially of those responsible for genocide, crimes against humanity and war crimes, as well as other grave violations of international humanitarian law and international human rights law, and thereby prevent their recurrence. The Council has succeeded on many occasions in carrying out its responsibility for maintaining international peace and security and strenghtening the rule of law in a unified and decisive manner. That success includes the liberation of my country, the State of Kuwait, in February 1991, in what was a clear manifestation of the purposes and principles of the Charter. That clearly demonstrates what we can achieve when the international community works together under the banner of the United Nations through Security Council resolutions to promote the rule of law and justice.

Thirdly, concerning the peaceful settlement of disputes, the Charter provides many tools to address the challenges of our time, especially in Chapter VI. We must use those tools effectively in a peaceful manner to settle disputes, including through negotiation, inquiry, mediation, conciliation, arbitration and judicial settlement. All of those tools help to prevent the outbreak of conflict. Kuwait fully abides by Chapter VI of the Charter. Our foreign policy is based on a number of principles, including preventive diplomacy, reconciliation and mediation so as to prevent and contain conflicts.

In conclusion, I would like to read out part of a statement delivered by former Secretary-General Kofi Annan.

(*spoke in English*)

> "Those who seek to bestow legitimacy must themselves embody it; and those who invoke international law must themselves submit to it. Just as, within a country, respect for the law depends on the sense that all have a say in making and implementing it, so it is in our global community. No nation must feel excluded. All must feel that international law belongs to them and protects their legitimate interests.
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> "Rule of law as a mere concept is not enough. Laws must be put into practice and permeate the fabric of our lives." (*A/59/PV.3, p.3*)

The President: I inform all concerned that we will continue this open debate through lunchtime, as we have a large number of speakers.

I now give the floor to the Minister for Foreign Affairs of Lithuania.

Mr. Linkevičius (Lithuania): Allow me to begin by commending Poland, as the President of the Security Council for the month of May, for convening this exceptionally important open debate. I would also like to thank our briefers for their contributions to our discussion.

My delegation aligns itself with the statement to be delivered on behalf of the European Union.

Lithuania is celebrating the centennial anniversary of the restoration of its independence this year. One of the factors that enabled us to begin developing our State was the League of Nations and a system based on international rules. We joined the League of Nations and co-founded the Permanent Court of International Justice, the predecessors of today's United Nations and International Court of Justice. Unfortunately, Lithuania was occupied by the Soviet Union by the time the League of Nations had ceased its activities. Following its return to the international family, Lithuania accepted the compulsory jurisdiction of the International Court of Justice. Like others, we are happy to note recent declarations recognizing the jurisdiction of the Court.

When rules are not observed, we are confronted by a clear threat to international peace and security. Today ongoing conflicts are destroying many parts of the globe, while Governments take steps to turn their contested claims into faits accomplis. In Syria, Yemen and the Central African Republic, among others, gross violations of international humanitarian law and human rights law continue on a daily basis. Barbaric crimes are being committed on a massive scale. A total collapse of law and order has also led to unspeakable atrocities.

After listening to the remarks by the Russian representative, who lectured us on international law, I would like to recall that non-compliance with international law in Europe has led to clear violations of the sovereignty and territorial integrity of States in several cases. The protracted conflict in Moldova has continued for almost 20 years. The violation of the sovereignty and territorial integrity of Georgia is entering its tenth year. Moreover, we recently witnessed the occupation and annexation of Crimea by the Russian Federation and military actions in eastern Ukraine, including the downing of Malaysia Airlines Flight MH-17. Those do not appear to be isolated events.

Such blatant breaches of the Charter of the United Nations constitute a threat to international peace, security and stability and should not be permitted in the twenty-first century. The United Nations and the entire international community have to be able to react effectively to such constantly repeated violations.

During its non-permanent membership on the Security Council, Lithuania consistently raised the issue of the violation of international law in Ukraine. Unfortunately, the Security Council was not able to take any concrete action. We especially regret that the Council was not able to ensure that an independent and impartial international court or tribunal would investigate the downing of Malaysia Airlines Flight MH-17. That undermines the credibility of the whole United Nations.

There are many ways to achieve long-lasting peace and stability. The Secretary-General's efforts to put emphasis on conflict resolution, preventive diplomacy, peacebuilding and sustaining peace are therefore of the utmost importance. The advancement of preventive diplomacy, early action and mediation remain vital to preventing conflicts and mass atrocities. Early action matters. Greater commitment and engagement must also be devoted to supporting political processes.

A crucial element of conflict prevention consists of putting an end to impunity and ensuring justice for all. The Council's strong voice and action in support of international law, accountability and justice matter a great deal. Accountability for crimes against humanity, genocide and war crimes is key to progress on the path of reconciliation and peace. My Government therefore commends the work done by the International, Impartial and Independent Mechanism and the Commission of Inquiry in laying the foundation for the accountability process in Syria. Moreover, a new French initiative launched this year on the International Partnership against Impunity for the Use of Chemical Weapons is very timely.

It is the primary responsibility of national justice systems to investigate and prosecute the most serious crimes of international concern. However, where national judicial systems fail to tackle impunity, the Security Council should be ready to use the full range of tools at its disposal, including targeted sanctions and referrals to the International Criminal Court. A relevant and strong United Nations requires an efficient, transparent and inclusive Security Council to meet today's challenges to international peace and security and improve global governance. Among other things, restraint in the use of the veto would make the Council's responses to ongoing crises more effective and reduce veto-induced paralysis. Lithuania therefore strongly supports the French-Mexican initiative on limiting its use in cases of mass atrocities, genocide, war crimes and crimes against humanity. Lithuania also actively endorses the relevant initiatives of Liechtenstein and the Accountability, Coherence and Transparency group.

The President: I now give the floor to the Minister for Foreign Affairs of Lativa.

Mr. Rinkévics (Latvia): First of all, I warmly congratulate Poland for presiding over the Security Council this month and for organizing this open debate on a very important topic.

My remarks will focus on three areas: first, the crucial importance of international law in the maintenance of peace and security; secondly, the responsibility of the Security Council in that regard; and, thirdly, upholding accountability for breaches of international law.

Latvia has always been a staunch supporter of international law and a promoter of the principles of democracy, human rights and the rule of law. Those principles are fundamental to maintaining an international order based on the predictability, stability and security of States. By promoting international law, Latvia promotes our foreign policy values and interests, as well as sustainable security. We are convinced that the relations between States must be based on law, not force.

The Security Council, as the main guarantor of international peace and security, has a particular responsibility, as its actions have implications with respect to international law. The Council has a special role in preventing conflicts, acts of aggression and mass atrocities. The Council has a special role in seeking solutions to ongoing crises and conflicts. It has not always lived up to its responsibility. The special privilege of veto power of the permanent members of the Council is also a responsibility — it must be used in the interests of common peace and security, and not when mass atrocity crimes are committed. A failure to implement its own resolutions is also an issue that needs more attention.

In the case of Syria, the failure of the Council to prevent or stop the conflict and end impunity for the mass atrocities that have taken place has resulted in an enormous human cost. The polarization of the Council, including the use of the veto to block any meaningful action, has delayed the chances for reaching a viable political solution in Syria. Latvia strongly condemns the use of chemical weapons, which is a flagrant violation of international law and Security Council resolutions. Such violations must be thoroughly investigated, and the approach to them must be proactive.

The principle of territorial integrity is a key element of the international legal order, enshrined in the Charter of the United Nations. Russia's annexation of Ukrainian Crimea and its covert and overt actions in eastern Ukraine violate that fundamental principle. We have witnessed similar acts by Russia in Georgia. We need a rules-based system so that powerful countries do not annex parts of other countries, or whole countries, on false pretexts. We must return to the rules-based security order. A peaceful resolution of the conflict in Ukraine that respects Ukraine's independence and territorial integrity must be a priority. The international community must continue to seek solutions to the protracted conflicts in Europe.

Accountability for grave violations of international law is necessary for the credibility of the whole international system. Latvia has ratified the Kampala Amendments to the Rome Statute on the crime of aggression and is committed to further supporting the work of the International Criminal Court (ICC). Referrals by the Security Council to the ICC are necessary when there is evidence that atrocity crimes are being committed with impunity. International law will prevail only if it is rigorously implemented by the international community, and we all should all strive to do that.

The President: I now give the floor to the Minister for Foreign Affairs of Estonia.

Mr. Mikser (Estonia): I would like to begin by thanking the Polish presidency of the Security Council for convening this open debate on a timely and very important topic.

Estonia aligns itself with the statement to be delivered on behalf of the European Union.

Maintaining international peace and security is a vital question for the whole international community. The role of the Security Council is, and has been, pivotal in that regard. However, since the end of the Cold War, it has perhaps never been as difficult for the Security Council to fulfil its primary responsibility to maintain international peace and security as it is now. The crisis situations to which the Council must respond have become more complex, transnational and multidimensional. Furthermore, modern conflicts threatening international peace and security are characterized by an ever-broader use of new technologies.

Estonia is firmly of the position that crimes have to be prevented. When they take place, they must be investigated and prosecuted irrespective of the way they are committed, be it by using kinetic force or cybermeans, for example. By its resolution 68/243, the General Assembly welcomed the report (see A/68/98) of the Group of Governmental Experts that confirms the applicability of international law to the use of information and communication technologies. International law is therefore applicable when cybermeans are used to threaten international peace and security. It is our view that the Security Council can, and should, use all powers deriving from the Charter of the United Nations to take action in such cases.

Estonia is committed to promoting respect for international law and the rules-based international order. For us, international law is an existential matter. It is crucial to make full use of all available instruments and to act with full responsibility to prevent and end conflicts. That includes in situations involving mass atrocity crimes. In order to make the whole system work, every country must play its role. We must strengthen our common efforts to end conflicts and make the perpetrators accountable.

It is unfortunate that the rules-based international system, the foundation of the international community, is being increasingly challenged and questioned. In recent times, we have witnessed growing disunity and disagreement on a number of topics. Yet it is clear that the international community needs the Security Council to uphold and promote international law by responding decisively to grave violations of international law, including humanitarian law and human rights law. In that regard, I would like to highlight the code of conduct of the Accountability, Coherence and Transparency group regarding Security Council action against genocide, crimes against humanity and war crimes. So far it has been signed by 116 Member States in the expectation that the Council should act in a timely and decisive manner to prevent and end atrocity crimes.

Furthermore, in ensuring respect for international criminal law, Estonia is convinced that we need a more productive relationship between the Security Council and the International Criminal Court (ICC). International criminal justice needs greater political support, in particular from the Security Council. The Rome Statute reserves a unique role for the Security Council, as it can refer situations to the International Criminal Court that would otherwise not fall under its jurisdiction, such as the situation in Syria. The Court is an important tool for ending impunity for the most serious international crimes, but its efficiency inevitably depends on States' cooperation in enforcing its decisions. When States parties do not comply, the ICC must be able to rely on the Security Council to intervene with full support.

In conclusion, let me emphasize that we must keep up our efforts to strengthen the legitimacy of the Security Council resolutions and their implementation. In that regard, it is important to strive for deeper cooperation both within the Security Council and with the wider United Nations membership and other actors. Estonia stands ready to engage in that partnership in order to better uphold international law and maintain international peace and security.

The President: I now give the floor to the Minister for Foreign Affairs of Indonesia.

Mrs. Marsudi (Indonesia): I would first like to express my appreciation to Poland for organizing today's debate.

This week Indonesia experienced a series of terrorist attacks. As a nation, we are not afraid. I repeat, we are not afraid. We will not give space to violent extremism or terrorism. Our whole nation is standing together to strengthen its fight against terrorism, and I thank the Council for its support and words of condolence. Inshallah, we will succeed in fighting them. Let us unite to develop a global comprehensive approach to combating terrorism and violent extremism.

Violent extremism and terrorism are just some of the many challenges we face today, from transnational organized crime to conflicts, wars and extreme poverty. Such issues help to focus our attention on the role of the Security Council. The Council's main mandate is to ensure that peace and security prevail. To that end, it is very important to uphold international law and ensure the implementation of all the Council's commitments and resolutions, including those on Palestine, many of which have not been fully implemented. It is also important to ensure that all members are part of the solution and not of the problem.

It is also essential that Article 25 of the Charter of the United Nations be implemented in tandem with the Charter's principles, particularly those outlined in Articles 1 and 2. Why is it important to uphold international law? It protects the weak and, more

importantly, prevents a mighty-takes-all approach. An issue's rightness should not depend on the degree to which the most powerful determine that it accords with their own interests. The Security Council must not neglect its responsibility to maintain peace and security for all. The peoples of the world are our constituents. The Charter begins with the phrase "We the peoples of the United Nations". We are responsible for them. The beneficiaries of the products of the Security Council must be all people worldwide.

I would like to convey some of our thoughts on strengthening the maintenance of world peace and security. First, it is the Council's responsibility to function in accordance with international law. The Council is an executive organ of the United Nations and must remain on track.

Secondly, ensuring peace and security in our immediate neighbourhood is key to global peace and security. In that context, regional arrangements, as mandated by Chapter VIII, are crucial as a building block for global peace and stability. The Association of Southeast Asian Nations (ASEAN) is an example. ASEAN contributes significantly to creating an ecosystem of peace, stability and prosperity in the region by upholding the principle of the peaceful settlement of disputes, the habit of dialogue and a win-win rather than a zero-sum approach. ASEAN will remain at the forefront in this area, including by helping to develop a peaceful, prosperous and inclusive Indo-Pacific region.

Thirdly, we should ensure synergy between peace and development. Only through development, guided by the 2030 Agenda for Sustainable Development, can we build a peaceful world where people live in harmony.

As a true partner for world peace, Indonesia will continue to contribute to the maintenance of the world order. We are ready to share our experience, play our role in strengthening respect for international law and promote the peaceful settlement of disputes in our region and beyond. Indonesia has made concrete contributions to shaping norms and maintaining peace in the past and the present, and will continue to do so in the future.

The President: I now give the floor to the First Deputy Minister for Foreign Affairs of Georgia.

Mr. Zalkaliani (Georgia): At the outset, let me express my sincere gratitude to the Polish presidency for convening today's debate. I also thank our briefers, Ms. Maria Luiza Ribeiro Viotti, Chef de Cabinet of the Secretary-General, Judge Hisashi Owada, President Emeritus of the International Court of Justice, and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals.

Georgia aligns itself with the statement to be delivered later by the observer of the European Union, and I would also like to add a few remarks in my national capacity.

International law and the rules-based international order are the foundations of a peaceful, prosperous and just world. The Charter of the United Nations, together with the wider body of international instruments, provides a framework for the conduct of international relations and means to resolve disputes. The principles of sovereignty, territorial integrity and sovereign equality of States, the non-use or threat of use of force and non-interference in the internal affairs of States are at the core of the rules-based international order. Article 24 of the Charter of the United Nations grants the Security Council the primary responsibility for the maintenance of international peace and security on behalf of its Member States. That is why it is so important that we discuss today, in this Chamber, how international law is respected and its implications around the world.

Justice and peace are inextricably linked. For the past decade, sadly, we have been witnessing a series of attempts to attack the international order, and at times to dismantle it, by disregarding the main principles enshrined in the Charter of the United Nations. In that respect, let me speak to the challenges facing my country.

Ten years ago, Georgia became the victim of an act of aggression by a permanent member of the Security Council following a policy of ethnic cleansing and meddling in the internal affairs of a sovereign State for more than a decade. In its decision on the situation in Georgia, the Pre-Trial Chamber of the International Criminal Court (ICC) confirmed the international nature of the 2008 August war and concluded that the campaign of violence against ethnic Georgians constituted an attack on the civilian population within the meaning of article 7, paragraph 2 (a), of the Rome Statute, thereby attesting that crimes against humanity had been committed. Notably, following the war, in blatant disregard of the need to advance the peace process and ensure an international presence on the

ground, the Russian Federation used its veto power to dismantle the United Nations Observer Mission in Georgia in order to avoid any kind of international engagement on the ground.

Since the 2008 Russia-Georgia war, the Russian Federation has been illegally occupying two of Georgia's regions — Abkhazia and Tskhinvali/South Ossetia — and implementing a policy aimed at the de facto annexation of those regions. To this day, the occupying Power is conducting a process of so-called borderization through the installation of razor-wire fences and other artificial barriers to divide the country and to impede the freedom of movement of civilians living on both sides of the occupation line. Moreover, the two occupied regions have turned into black holes in terms of the rule of law and respect for human rights. The recent brutal killing of two Georgian citizens, Mr. Tatunashvili and Mr. Otkhozoria, is clear proof of that. Moreover, right now, there are fully operational Russian military bases illegally stationed in both Abkhazia and Tskhinvali/South Ossetia, each equipped with sophisticated offensive weaponry.

Against that background, Georgia has persistently pursued a policy of peaceful reconciliation, conflict resolution and respect for international law. Consecutive Governments have pledged not to use force and reaffirmed their commitment to peace policy initiatives. Georgia used all the international legal instruments to seek justice at all levels, starting from the European Court of Human Rights to the International Court of Justice and the International Criminal Court. Just recently, the Government of Georgia declared a new comprehensive peace initiative — a step towards a better future aimed at bridging the divided communities by creating avenues for reconciliation in various areas of life.

For all those efforts to be successful, international law and its norms and principles need to be respected by both sides.

First and foremost, it is vital to commit to international instruments when we speak about crimes against humanity. Georgia has declared its full cooperation with the ICC and the Office of the Prosecutor, as shown by conducting investigations on an unprecedented scale and by interrogating more than 7,000 witnesses. The Office of the Prosecutor of the ICC opened a local office in Tbilisi last year, and we are fully committed to supporting the Office in all its endeavours. However, additional investigative measures are hampered by the lack of access to the regions due to the occupation. Once again, we call on the Russian Federation to ensure the administration of justice, instead of impeding the investigation and access to the conflict-affected population.

The aggression against Georgia was not an isolated incident. Similar patterns were identified six years later in Ukraine and could be repeated elsewhere. Turning a blind eye to violations of international law emboldens the perpetrators anywhere in the world. That is why it is so important to call a spade a spade.

This year we mark the seventieth anniversary of the establishment of the International Law Commission (ILC), with numerous events taking place, including a special session of the Commission here in New York. The contribution of the ILC to the development of international law and the role that it has played in strengthening the rule of law globally for seven decades now is immense and of paramount importance.

Furthermore, on 17 July — the Day of International Criminal Justice — we will celebrate the twentieth anniversary of the adoption of the Rome Statute. We will achieve yet another milestone by witnessing the entry into force of the amendments on the crime of aggression. In the volatile world in which we all live today it is vital that we all unequivocally support the international justice system. The Rome Statute created essentially a permanent and global institution that embodies the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal to fight impunity and to prevent the most heinous crimes. It is time to reflect on the challenges, take stock of the achievements and unite in reiterating "never again".

Let me therefore conclude by calling on the States Members of the United Nations, particularly the members of the Security Council, to stand strong in defending the Charter of the United Nations and in upholding the principles and norms of international law.

The President: I now give the floor to the representative of Canada.

Mr. Decourcey (Canada): The role of the Security Council is to maintain international peace and security. However, there can be no peace without justice. Despite growing demands for accountability, impunity for

violations of international law continues unabated. We can do better.

Justice and accountability are prerequisites for peace and security. Likewise, they are fundamental to prevention. Impunity, on the other hand, begets further human rights violations. International humanitarian law and international human rights remain at the core of Canada's commitment to a peaceful world and a rules-based international order. Canada is acting to defend that commitment in the following ways.

(*spoke in French*)

First, Canada supports the international legal framework and strongly advocates for respect for international law. Last month, the Ministers for Foreign Affairs of the States members of the Group of Seven committed to adopting practical measures to promote the effective implementation of international humanitarian law by our partners.

(*spoke in English*)

More specifically, they committed to using their support to State and, when relevant, to non-State parties to armed conflict to encourage the effective implementation of international humanitarian law by such parties, among other things. We did that because we believe that greater adherence to international humanitarian law can help to reduce unnecessary human suffering in situations of armed conflict.

Secondly, Canada supports the fight against impunity. Our Government is deeply committed to ensuring that those who violate international law are held accountable. That is why Canada welcomes and financially supports the efforts of international organizations such as the United Nations and of non-governmental organizations that collect and analyse evidence for the purpose of prosecuting those responsible for international crimes.

Turning to Myanmar, Canada remains outraged at the crimes against humanity that have been committed against the Rohingya and other ethnic and religious minorities in Myanmar. This year, for the first time, the Secretary-General specifically cited the Myanmar Armed Forces with regard to patterns of sexual violence in conflict.

Wherever and whenever civilian populations are targeted with such indiscriminate violence, the international community must act swiftly and in concert. There can be no impunity for the perpetrators of those horrific crimes. Canada supports the establishment of an international accountability mechanism to investigate and prosecute those responsible for atrocities.

Moreover, Canada is coordinating with like-minded partners to support existing evidence-gathering efforts, such as the United Nations Fact-finding Mission on Myanmar, and explore options to assist in documenting and investigating the atrocities and grave human rights violations, especially in Rakhine state. That includes violations related to sexual and gender-based violence.

Similarly, in the context of Syria, Canada is supporting the International Impartial and Independent Mechanism to assist in the investigation and prosecution of those responsible for war crimes or crimes against humanity. We also support the Commission for International Justice and Accountability with regard to the gathering of evidence for use in the eventual prosecution of perpetrators.

Lastly, Canada supports the International Criminal Court (ICC) with crucial leadership and advocacy.

(*spoke in French*)

Canada is proud of its pivotal role in the establishment of the ICC and supports the Court's efforts to bring to justice those responsible for grave international crimes. We call on all States to cooperate with the ICC so that the perpetrators of such crimes are held accountable. Multilateral structures such as the ICC play a key role in promoting accountability.

(*spoke in English*)

The Council can count on Canada's leadership to engage constructively with multilateral, international and bilateral partners to drive positive action on peace and security issues.

(*spoke in French*)

Member States and the Security Council must put an end to persistent violations of international law and the widespread culture of impunity. Today we affirm our determination to enforce accountability by all possible means. Canada is ready to collaborate.

The President: I now give the floor to the representative of Egypt.

Mr. Edrees (Egypt) (*spoke in Arabic*): At the outset, I would like to thank the Polish presidency for the month of May for having proposed this very

important topic for open debate in the Security Council. I should also like to thank the briefers for their highly significant presentations.

In the wake of humankind's painful experiences in the Second World War, the world understood that certain purposes, principles and legal norms were necessary to maintain international peace and security, ensure development and protect human rights. Those principles were enshrined in the Charter of the United Nations and attained the highest level of international jus cogens. They became the modus operandi of international multilateral actions and international relations But while the purposes, principles and legal norms enshrined in the Charter are ideals, it is up to us to implement and abide by them, and we must demonstrate political will in order to do so.

We continue to witness conflicts and occupation around the world, in some case continuing for decades, as well as terrorism, the proliferation of weapons of mass destruction, and flows of refugees and undocumented migrants. This situation results from the fact that some do not abide by the rules of international law but instead exhibit double standards, undermining the purposes, principles and norms enshrined in the Charter. They propose erroneous interpretations of the Charter, voiding its meaning or transmogrifying it to serve their own interests.

Against that regrettable international backdrop, the United Nations, as the principal entity overseeing international affairs and entrusted with ensuring the implementation of international law and the Charter, must shoulder its responsibility and engage in reform to improve its performance so as to ensure that the United Nations continues to fully play its due role. If that does not happen, its role in the international arena will be eclipsed. The United Nations will no long command trust, being seen instead as an organization without credibility and incapable of action. We must first and foremost show the political will to respect international law as enshrined in the purposes and principles of the Charter, particularly those relating to the peaceful settlement of disputes. If we are truly serious, we must take the following crucial steps.

The Security Council must be objective in its deliberations in assessing the scope of threats to international peace and security. The Council must adopt the most logical approach in dealing with an issue before it, in accordance with what the Charter says about promoting the peaceful settlement of disputes with respect for sovereignty. The Council must take all the necessary measures to do so, including recourse to the concept of preventive diplomacy, which encompasses, among other things, the provision for the Secretary-General to use his good offices. We must promote the use of mediation, establish fact-finding commissions and request advisory opinions from the International Court of Justice. In addition, we should make use of Article 36, paragraph 3, of the Charter, which recalls that the Council should urge parties to a dispute to refer it to the International Court of Justice.

For the Security Council to successfully discharge is responsibilities, it must be apprised of the most up-to-date information on conflicts or situations risking deteriorating into conflict. The early-warning mechanisms of the United Nations and various regions must be functional for that to be the case. The Council should cooperate with regional mechanisms with a view to preventing conflict.

There is a crucial need to swiftly resolve protracted ongoing conflicts, such as that in Palestine. How can that not be included in the framework of international law? We must make use of all mechanisms available in order to ensure that we do not undermine the credibility of the United Nations internationally, and to avoid a situation where countries resort to alternative methods outside the United Nations in order to prevail.

We also need to avoid situations that may lead to the collapse of States located in conflict regions. We must not address such situations in a conventional manner or move slowly, as that would result in the deterioration of the situation and make such countries fertile ground for terrorists, who threaten peace and security throughout the world and make maintaining peace and stability globally an even more difficult task.

Let us reconsider the veto right. The use of the veto undermines the implementation of the provisions of the Charter and of international law. The provisional rules of the Security Council must be followed.

There is a need to address capacity-building in the legal and judicial sectors to guarantee accountability and prevent impunity, especially in the case of grave crimes.

The United Nations must improve its practices in peacekeeping and peacebuilding to guarantee the prevention of outbreaks and renewal of conflicts

between countries, and to establish peace and stability in them. When that is successfully achieved, those countries will see the tangible added value of the United Nations.

There is a need to promote the economic and social aspects of United Nations efforts, which are the essential pillars of its work, particularly following the adoption of the 2030 Agenda for Sustainable Development in 2015. Socioeconomic aspects are of key importance and could compensate for the failure of the United Nations to respond to numerous challenges and resolve conflicts and disputes that threaten international peace and security. The real problem that we face is that of adequate international funding for relevant activities and projects.

Finally, with regard to the fight against terrorism, we must prove that the United Nations is capable of undertaking tangible and specific actions, apart from the resolutions adopted in the Chamber. We must demonstrate that terrorist organizations and groups are not the only ones that can plan and act. That is why we need to do our utmost to achieve tangible progress on the ground in order to ensure that terrorists do not propagate their ideology, indoctrinate people, use social networks to spread their ideology or have access to funding or weapons coming from various sources. In that regard, we need the highest possible level of coordination among the counter-terrorism entities of the United Nations to carry out such efforts both within the United Nations and outside the Organization.

In conclusion, I would once again like to thank Poland for having convened this very important debate.

The President: I now give the floor to the representative of Slovakia.

Mr. Galbavy (Slovakia): At the outset, I would like to congratulate you, Mr. President, on Poland's assumption of the presidency of the Security Council for this month. I also want to thank you for organizing this useful debate. We strongly believe that the Security Council has an important responsibility to promote justice and the rule of law in its efforts to maintain international peace and security. I would also like to thank Ms. Viotti, Judge Owada and Judge Meron for their insightful briefings.

My delegation associates itself with the statement to be delivered later by the observer of the European Union.

I would like to highlight a few points that we believe to be especially relevant in the context of our debate today.

The international order conceived after the Second World War is a global rules-based system in which States are required to develop friendly relations and settle their disputes in peaceful ways. The work of the International Court of Justice is fundamental to the settlement of disputes between States. Slovakia encourages all States Members of the United Nations to join the 73 States, including my own, that have accepted the compulsory jurisdiction of the International Court of Justice. The adjudication of legal disputes by an impartial and independent judicial body is essential to promoting the rule of law in international relations.

The rule of law, and justice in general, would be an illusion if we did not ensure accountability. We are convinced that bringing the perpetrators of international crimes to justice is a basic requirement for the resolution of any conflict and for subsequent reconciliation efforts. In that regard, the most prominent place belongs to the International Criminal Court (ICC), which will celebrate the twentieth anniversary of the adoption of its founding instrument, the Rome Statute, later this year. We call on Member States to join the 123 States parties to the Statute in fighting impunity. The Security Council has a special relationship with the ICC, and Slovakia encourages referrals by the Council to the Court in cases where war crimes, crimes against humanity or genocide are being committed and where the national authorities bearing the primary responsibility for prosecuting those crimes are not in a position to do so. It is equally important that the Security Council follow up on its referrals so that the required cooperation of Member States is ensured.

Prevention has been gaining prominence on the agenda of the United Nations, and my country fully supports that approach. In the area of law, the preventive role of the various human rights monitoring bodies is indispensable. Slovakia is also closely following the current negotiations in Geneva on a compliance mechanism for international humanitarian law and hopes to see the creation of a meaningful mechanism that will strengthen respect for the rules of international humanitarian law, thereby contributing to the alleviation of human suffering during armed conflict.

In conclusion, I wish only to say that the international community is facing unprecedented

challenges to global peace and security. We must make sure that such challenges are resolved peacefully and always within the framework of international law.

The President: I now give the floor to the representative of Spain.

Mr. Moragas Sánchez (Spain) (*spoke in Spanish*): I would like to align myself with the statement to be delivered by the observer of the European Union.

I am grateful for the briefings by Ms. Viotti, Judge Owada and Judge Meron. I congratulate President Duda and Poland on the choice of the topic for today's debate.

Upholding and affirming international law in the context of maintaining international peace and security represents a powerful reminder of a key guiding principle in the establishment of the United Nations, in which my country strongly believes. Taking decisions in order to maintain international peace and security is the best and most natural opportunity to underscore among Member States the importance of respecting the obligations arising from international law.

Spain firmly believes that it is possible to uphold and reaffirm international law while the Security Council fulfils its mandate to deal with and resolve situations that threaten international peace and security. In overcoming the greatest challenges to peace and security, Governments achieve a higher political legitimacy and, if I may say, become stronger when their actions are conducted in full respect for the rule of law at both the national and international levels. I would now like to underscore three specific aspects where Spain believes the Security Council should expand its activity.

With regard to the fight against impunity for the most serious acts that are basic violations of international humanitarian law, in the area of human rights, Spain believes that it is essential to improve the Security Council's cooperation in referring situations for consideration by the International Criminal Court. The Council should put its political resources into following up on the work of the Court, particularly the Office of the Prosecutor. After deciding to refer a situation to the Court, the Council should uphold that decision through close, ongoing and long-term cooperation with it. In short, in our opinion, the Council has more than enough tools and an untapped potential for expanding its cooperation with the Court.

Regarding the need to promote a culture of respect for international law as a pattern for State behaviour, we wonder whether it would not be appropriate when considering the membership of the Security Council to have in place incentives that would take account of a State's specific capacity to contribute to the Council's objective of upholding respect for international law while ensuring the maintenance of international peace and security.

Finally, I would like to underscore the increasing work of the Security Council in adopting resolutions that include important legal norms of international humanitarian law, reaffirming their content and encouraging Member States to seek formulas that would improve compliance with the law and promote respect for it. Examples include resolution 2286 (2016), on accessing and protecting health-care facilities in situations of armed conflict, and resolution 2331 (2016), on human trafficking in armed conflict. In our opinion, those resolutions, which reflect existing international law and contribute to its observance, put the Council on a path that enables it to use its political resources to strengthen international law. That also fully complements one of the functions of the General Assembly — promoting the progressive development of international law and its codification.

To sum up, my country attaches great importance to ensuring that the Council, as a principal organ of the United Nations, can increase its role in promoting respect for international law as a basic guiding principle of its decisions. We are certain that will lead to greater legitimacy and strengthen both the Council itself and the entire Organization.

The President: I now give the floor to the representative of Greece.

Mrs. Theofili (Greece): Greece would like to commend Poland for convening this high-level meeting. This open debate is timely and topical, taking into account the ever-increasing challenges to the fundamental principles of international law and the Charter of the United Nations.

As a general remark I would like to point out that, for Greece, international law constitutes the cornerstone of its policies. Greece has always been a staunch supporter of the peaceful settlement of international disputes. In that spirit, the peremptory rule of the Charter that prohibits the use or the threat of use of force and acts of aggression in international relations is

of utmost importance. States should settle their disputes by peaceful means, as set forth in Chapter VI of the Charter. Furthermore, we underline the significance of judicial mechanisms in the prevention and resolution of legal disputes. Resorting to those mechanisms, particularly the International Court of Justice, would greatly contribute to the maintenance of international peace and security. At the same time, we believe that preventive diplomacy and early warning could help to stop the emergence and escalation of conflicts. In that respect, the role of the Security Council in addressing international disputes at an early stage and without delay is crucial.

Furthermore, respect for international humanitarian law is an essential component of the rule of law in conflict situations. In that regard, Greece reiterates its unwavering support for the role of the International Criminal Court in putting an end to impunity for the perpetrators of the most heinous crimes, thereby preventing their recurrence. There is no doubt that the Security Council has an important role to play and a responsibility to shoulder by referring situations of mass atrocities to the Court, ensuring accountability and thereby enhancing its own credibility.

Last but not least, allow me to point out the fundamental significance of respect for the rule of law and the public order of the oceans as reflected in the United Nations Convention on the Law of the Sea. With its universal and unified character, the Convention contributes to strengthening peace, security, cooperation and good-neighbourly relations among all nations and is a factor of stability and security in a challenging international context. We therefore stress the need to abide by its provisions, which have long been recognized by jurisprudence as reflecting customary international law.

Greece deems it important that we all comply with the purposes and principles of the Charter, in order to fully implement Security Council resolutions and to safeguard the fundamental, indisputable norms governing international relations, such as respect for the principles of the sovereignty and territorial integrity of nations, non-aggression and good-neighbourly relations. That is our common duty and obligation. It is equally important to resolve disputes through such peaceful means as dialogue and consultation. That is our common responsibility.

Transforming those doctrines into practice constitutes the quintessence of our approach in international relations. A recent example of that approach is the initiative by Greece to organize and host for the past two years the Rhodes Conference for Security and Stability, an informal ministerial meeting of countries of the wider eastern Mediterranean region aimed at fostering stability and security in the region. Continuing that tradition, the third Rhodes Conference, taking place in June, will highlight the importance of shaping a positive agenda in the wider region.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): Not too long ago, we believed that we had firmly transitioned into an era of the primacy of international law. That belief has been weakened in the recent past; however, our determination to make it so has not. Those who believe in the rule of law, as we do, are challenged to stand up for the primacy of international law at the heart of the international order. The prohibition of the illegal use of force is a core provision in that respect. It was incorporated into the Charter of the United Nations in direct response to the destruction caused by the Second World War and has been recognized as a key provision of international law since. It continues to be of crucial relevance. Resorting to the use of force remains one of the most serious decisions a State can take and requires careful legal scrutiny and communication. In assessing their decisions in that respect, States are now assisted by the first internationally agreed definition, set out in the Rome Statute of the International Criminal Court (ICC), of a crime of aggression, which is met only in cases where the illegal use of force constitutes a manifest violation of the Charter.

At the Nuremberg trials, 12 leading figures of Nazi Germany were convicted of crimes against peace. Since then, no international criminal tribunal has had the competence to hold individuals accountable for the most serious forms of the illegal use of force. In the following seven decades, we did not even have an internationally accepted definition of the crime of aggression. In December 2017 that changed. The 123 States parties to the Rome Statute made the historic decision to enable the International Criminal Court to prosecute the crime of aggression. Exactly two months from today, on 17 July, the Court's jurisdiction over the crime of aggression will commence — marking the first time that humankind will have a permanent international

court with the authority to hold individuals accountable for this crime. That will be a crucial moment also for the Security Council, which will have a new tool at its disposal, namely, the ability to refer situations involving acts of aggression to the ICC. If applied in a meaningful way, that new tool could assist the Security Council in the peaceful resolution of conflicts and in reinforcing the Charter.

The date of 17 July also marks the twentieth anniversary of the Rome Statute, an occasion to both reaffirm our collective commitment to justice and international law and to address the numerous challenges we continue to face. Impunity continues to reign in many situations where grave crimes are committed. Where the seriousness of the situation so requires and where all other options fail — in particular national prosecutions — the ICC must be enabled to act. It is often up to the Security Council to provide the Court with jurisdiction, as indeed it should do with respect to the situations in Syria and in Myanmar. But more than 10 years after its first referral decision, the Council still has much room for a more productive relationship with the Court and lacks a collective commitment to accountability. As much as we need to strive to make this relationship more productive, combined with working towards the universalization of the Rome Statute, we also must be prepared to act within the parameters of today's reality. The Court's reach is severely restricted, as the situation in Syria has illustrated for a number of years.

Given that the path to the ICC was blocked in the Council through the veto of two permanent members, the General Assembly responded by creating the accountability mechanism known as the International, Impartial and Independent Mechanism for Syria. We were proud to lead that effort in the General Assembly. The Mechanism acts as a model for future action, in that the General Assembly should step in where the Council is paralysed and therefore unable to take on its responsibility to ensure accountability in line with its authority under the Charter. The collective commitment of the United Nations membership to fight mass atrocity crimes is also expressed in the Accountability, Coherence and Transparency group's code of conduct on mass atrocities. We echo the call by many speakers in the Chamber on all Member States to join that initiative, which is supported by 116 States.

There is no doubt that international norms and international law are under attack today. In its consequence, that is an effort to undermine the international legal order and the United Nations itself, which is at the heart of that order and not only with respect to the maintenance of international peace and security. The Organization is the ultimate expression in the belief of the power of the law. Its continued relevance depends on our ability to stand up for that belief.

The President: I now give the floor to the representative of Japan.

Mr. Bessho (Japan): I thank you, Mr. President, for convening this open debate. I would also like to thank Ms. Viotti, Judge Owada and President Meron for their insightful and comprehensive briefings.

Today I will focus on two points included in the concept note (S/2018/417/Rev.1, annex), namely, the peaceful settlement of disputes and accountability.

First, on the peaceful settlement of disputes, the Security Council and the International Court of Justice are the only two principal United Nations organs capable of making legally binding decisions. They have different mandates, but they can work complementarily and in a mutually reinforcing manner. However, they both face challenges.

For the Security Council, the primary challenge is implementation. Member States are legally obligated to carry out Council decisions in accordance with the Charter of the United Nations, but it is not always easy for non-members of the Council to follow their content closely. Without dedicated implementation, the actual effects of even the best-crafted Council resolutions will be limited. It is therefore incumbent on Council members to explain the content of resolutions to the wider membership through such efforts as briefings by the Chairs of the sanctions committees. That will help promote the implementation of resolutions by Member States, thereby enhancing their effectiveness.

By contrast, judgments of the International Court of Justice, which are binding on the parties, have seen relatively good implementation, although not without challenges. For the Court, the more fundamental issue is jurisdiction. Japan attaches great importance to the rule of law and has accepted the Court's compulsory jurisdiction since 1958. We encourage others to do so as well. To that end, it is imperative that the Court continue to produce solid judgments and advisory opinions that enjoy the confidence of States.

Turning to the issue of accountability, the Security Council cannot do everything by itself. It can benefit from coordinating with other institutions or mechanisms and making full use of their resources. For example, the Council has referred situations to the International Criminal Court (ICC) twice, in Darfur and Libya. The Council should at least follow up on non-compliance in such referrals, as the ICC lacks its own enforcement mechanisms. Even if the situation does not allow for a referral to the ICC, the need for accountability for the most serious crimes remains. In the case of the use of chemical weapons in Syria, for example, an accountability mechanism to identify those responsible is strongly called for.

Before concluding, I would like to take this opportunity to express our sincere gratitude to Judge Owada for his service and dedication to upholding international law as a Judge of the International Court of Justice for the past 15 years.

Let me conclude by expressing Japan's continued commitment to upholding the rule of law and the peaceful settlement of disputes.

The President: I now give the floor to the representative of Brazil.

Mr. Duque Estrada Meyer (Brazil): The year 2018 marks the ninetieth anniversary of the Briand-Kellogg Pact. That is an idea whose value simply cannot be overstated, that is, the outlawing of war. The prohibition of the use of force is a peremptory norm; it is the rule. Self-defence and authorization under Chapter VII are the exceptions to it. The use of armed force in any manner inconsistent with the Charter of the United Nations constitutes aggression, as defined in General Assembly resolution 3314 (XXIX).

Given the spread of terrorism, there have been attempts to depart from the collective security system towards actions that reflect pre-Charter understandings. They have included reinterpretations of the law on self-defence as well as problematic readings on the letter of Article 2, paragraph 4, of the Charter. Some have been arguing that self-defence could be applied as a response to non-State actors, sometimes adding as a condition the criterion of unwillingness or inability on the part of the territorial State. Brazil does not agree with such interpretations. Let me present four assumptions that inform our position.

I would first like to mention the general principle of law, according to which exception to rules must be interpreted restrictively. Article 51 is an exception to Article 2, paragraph 4. Since the latter does mention States, and the former must be interpreted in that light, self-defence is a response to an armed attack undertaken by, or somehow attributable to, a State.

Secondly, with regard to the case law of the International Court of Justice, in the case of *Republic of Nicaragua v. The United States of America*, the Court made it clear that the territorial State would have to be "sending" or have "substantial involvement" in the acts of the non-State actor for the conditions of self-defence to arise. In the advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, it is stated that

> "Article 51 of the Charter ... recognizes the existence of an inherent right of self-defence in the case of an armed attack by one State against another State".

Thirdly, on the *travaux préparatoires*, the framework established in 1945 was a response to the Second World War, and it is implausible to impute to the drafters the intention to make self-defence applicable outside inter-State conflicts.

Fourthly, on treaty law, the Vienna Convention on the Law of Treaties allows subsequent agreement between the parties regarding the interpretation of a treaty or subsequent practice to be taken into consideration. However, the threshold for a tacit agreement between the 193 parties to the Charter is far from being met. The State practice being invoked by those seeking a reinterpretation is erratic and ambiguous.

An impressive number of States have been cautioning against expansive interpretations of self-defence. The Movement of Non-Aligned Countries affirmed that Article 51 of the Charter of the United Nations is restrictive and should not be rewritten or reinterpreted. The Community of Latin American and Caribbean States called for an open and transparent debate on the issue. The conditions for any reinterpretation of Article 51 are strict. Those norms cannot be changed by the practice of a few States — all countries have a stake in the issue of the legality of the use of force.

Similar reasoning applies to efforts to justify the use of force beyond the two exceptions enshrined in the Charter of the United Nations. Article 2, paragraph

4, does not envisage the use of force as a self-help mechanism, or as a response to violations of general international law. In the past 30 years, we have witnessed a tendency to unilaterally resort to force for protecting human rights or forestalling international crimes. Sponsors of that view tend to read Article 2, paragraph 4, as prohibiting the use of force only when it goes against the territorial integrity or political independence of another State, or when it is inconsistent with the purposes of the United Nations. Brazil does not share that view, as it considers that Article 2, paragraph 4, aims to reinforce prohibition of the use of force.

Moreover, military action — even when warranted on grounds of morality and legitimacy — inevitably results in human and material costs. Those who suffer the most are the civilians on whose protection the resort to force is often based. If subjective unilateral criteria inform decisions on the use of force, peace will be a far-distant objective. While Brazil is a strong advocate of prevention, we do not deny that force might be envisaged in exceptional circumstances. Yet our resolve to stop human rights violations and defeat terrorism cannot make us turn a blind eye to international law. Narratives developed to justify actions in one part of the world have systemic repercussions.

Such narratives for self-defence are based on conceptual uncertainties. Not only do we lack a definition of terrorism, but also the preferred notion seems to be non-State actors, a category that can involve scenarios outside the purview of the Council. In addition, States cannot disregard the resort to multilateral solutions to fight hostile non-State actors, including the authorization of the use of force by the Security Council. We should be careful not to open the door for unilateralism, thereby jeopardizing the collective security system.

Security Council resolutions are adopted on behalf of the international community. It is a basic notion that those authorized to take action on behalf of others are accountable to those that authorize them. States that engage in military operations to implement measures envisaged in Article 42 should have to report periodically to the Council, so that their adherence to the mandate can be multilaterally monitored. Those troops might not be wearing blue helmets, but they act on the authority and legitimacy of a blue text.

In conclusion, as the primary guardian of international peace and security, the Council should act as a defender of the integrity of the norms that form our collective security system. Whenever the Council deliberates, international law should be central, not a distant part of the landscape. Above all, we must remind ourselves of a notion that should be self-evident, namely, that full respect for international law is the only way to achieve peace and sustain it.

The President: I now give the floor to the representative of Ireland.

Mr. Flynn (Ireland): I thank you, Mr. President, for convening today's important debate.

I would like to begin by aligning myself with the statement to be delivered on behalf of the European Union.

The Preamble to the Charter of the United Nations identifies one of the aims of the United Nations as that of establishing conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. The Charter, the foundation stone of the Organization, recognizes that the rule of law must be at the heart of our shared efforts to create a peaceful world.

It is important that as we strive collectively to abide by the Charter of the United Nations, we remain vigilant in differentiating between the rule of law and rule by law. The difference is human rights, the universal freedoms and rights of individuals. Rule by law can negate those rights, whereas the rule of law operationalizes them, thereby ensuring their promotion and protection in peace or war.

Ireland's commitment to an international order based on the rule of law is enshrined in our Constitution and reflected in Ireland's acceptance of the compulsory jurisdiction of the International Court of Justice. Ireland is party to the core international and European human rights treaties and strongly supports strengthening the multilateral human rights framework and the importance of respect for international humanitarian law in all circumstances.

However, legal norms without enforcement are clearly insufficient. Ireland therefore supports, among other measures, universal adherence to the Rome Statute, which established the International Criminal Court (ICC). We seek to ensure accountability for the perpetrators of the most serious crimes of concern to the international community, to deliver justice for the

victims and, ultimately, we seek to prevent such crimes from being committed.

The year 2018 is particularly important, as it marks the twentieth anniversary of the adoption of the Rome Statute as well as the coming into effect of the Court's jurisdiction with respect to the crime of aggression. Ireland is working to ensure ratification of the Kampala amendment on the crime of aggression, which is a key foreign policy priority.

Ongoing violations of international law — including international humanitarian law and human rights law — in situations of conflict are of grave concern. Those violations, which include attacks by both State forces and non-State armed groups on health facilities and personnel, are unacceptable. The regularity and severity of those attacks risks normalizing such action and disrupting the delivery of humanitarian aid to those in most need. The deliberate denial of humanitarian aid to vulnerable populations, or the use of humanitarian access as a bargaining chip in peace negotiations, is never acceptable.

The Security Council must play its role in referring violations to the ICC, and the Council must work to ensure that any referral is accompanied by ongoing support to the Court, particularly with respect to the execution of arrest warrants and the provision of adequate financial support.

Ireland continues to support reform of the Security Council veto and believes that, at a minimum, the use of the veto must be restricted, in accordance with the France-Mexico initiative and the Accountability, Coherence and Transparency group code of conduct regarding genocide, crimes against humanity and war crimes.

Where the Security Council is unable to act, and therefore unable to fulfil its primary responsibility to work towards the purposes and principles of the United Nations, other organs — including the General Assembly — must act. In that context, Ireland also wishes to reiterate its continuing political and financial support for the International, Impartial and Independent Mechanism for the Syrian Arab Republic to assist in the investigation and prosecution of the most serious crimes under international law committed in Syria.

At a time when serious violations of international law and international humanitarian law are all too common, and where the multilateral rules-based system itself is under threat, we call on all States to support the purposes and principles of the Charter of the United Nations, uphold international law and strictly abide by the decisions of the Security Council and other relevant organs.

The President: I now give the floor to the representative of Mexico.

Mr. Sandoval Mendiolea (Mexico) (*spoke in Spanish*): Mexico is grateful to Poland for convening this important debate on respect for international law in the context of maintaining international peace and security.

International law is the essential foundation on which cooperative and friendly relations between States Members of the United Nations are based. It is enshrined as part of the first principle of the Charter of the United Nations; it is fully valid and we are all obligated to observe it. Given the scope of the issue, I will limit my statement to a few main aspects.

We are witnessing unacceptable suffering among civil populations in armed conflicts around the world. International law, international humanitarian law and human rights law have been developed by the international community so that those situations would not occur, and if they did take place, so that those responsible would be brought to justice. Effective accountability for violations of international law, closing spaces to impunity, must be a central objective of the Organization. There can be no sustainable peace without justice.

We have enough machinery to make those goals a reality. The International Criminal Court (ICC) is one of the most comprehensive achievements of the international community, one that we must strengthen and perfect. The relationship between the Council and the ICC should be strengthened with the establishment of a structured dialogue, for example in order to generate broader support from the Council when the Office of the Prosecutor reports the challenges it faces in cases subject to referral under article 16 of the Rome Statute.

There should be closer cooperation between the Security Council's Sanctions Committees and the ICC, given how useful the adoption of some selective measures can be in executing arrest warrants and for reparations to victims. It is also essential to have timely and objective information on violations of international law in the field. Independent, impartial investigative

mechanisms have been shown to be viable options for shedding light on events and possible accountability.

As Mexico has indicated on numerous occasions, we must avoid having the Security Council, when faced with atrocity crimes, becoming paralysed and its work irrelevant. That is why we have developed an initiative with France that has the support of over 100 States, as has been mentioned already today. In that same spirit, some States — certainly a majority of Members — have found ourselves forced to find alternative solutions for the enforcement of international humanitarian law. We call on the Council, and on the membership in general, to support the work of those alternative mechanisms, particularly the International, Impartial and Independent Mechanism for the Syrian Arab Republic established by the General Assembly.

The premises of the Council's presidential statement S/PRST/2009/8, which highlighted the importance of encouraging mediation and the peaceful settlement of conflicts, continue to be valid. Among them, we note the encouragement of the participation of more women in mediation processes and of a stronger mediation capacity for parties to conflicts. We urge the Council to continue supporting those actions, which strengthen sustainable peace, a concept enshrined by the Council in resolution 2282 (2016).

The Secretary-General can also play an active role in this area. We note, for example, his recent decision to recommend that a dispute between Guyana and Venezuela be referred to the International Court of Justice. The Council could also resort to the good offices of the Secretary-General more frequently.

The positive trend of frequently consulting the International Court of Justice continues. However, its potential has not been fully taken advantage of, and the Court's advisory competence could be even further used as a preventive tool. The Council should use this advisory option more often, as that would help to strengthen international law.

It is important to recall that the Council also has the ability to carry out the judgments of the International Court of Justice in cases of non-compliance, as was mentioned by Judge Owada this morning in an express reference to the *Case concerning Avena and Other Mexican Nationals (Mexico v. United States of America)*. The permanent members of the Security Council should be the first to carry out the judgments of the International Court of Justice and thereby strengthen the international justice regime.

The Security Council has a crucial role to play in efforts to guarantee the rule of law at the international level. Nevertheless, the effectiveness of its decisions is seriously undermined if there is no consistency between what the Council says and what it does. The Council should participate more actively in analysing the responsibilities of States under the Charter. Recent justifications presented by some States for using force in legitimate self-defence, for example, show the need to consider the limits imposed by Article 51 of the Charter and the inherent right of States to self-defence. A lack of rigour in interpreting Article 51 could lead to abuse, putting international peace and security at risk.

Of particular concern is the authorization of the use of force against non-State actors, due to a lack of legal clarity in that regard. It is equally important for the decisions and actions of the Council to be correctly based on and driven by international law. That would reaffirm the legitimacy and consistency of this organ, thereby avoiding actions that could lead to new conflicts.

The Security Council should be reformed to become truly democratic, transparent, effective and efficient in compliance with its mandate. To that end, we need a compromise formula that is realistic and accessible, such as the one we are promoting with the Uniting for Consensus movement.

As previously mentioned, the French-Mexican initiative on the restriction of the use of the veto in situations of war crimes, crimes against humanity or genocide should be considered in all seriousness when the Security Council is reformed. The use of the veto in situations where mass atrocities are committed is an abuse of the law that can trigger international responsibility for the State committing them and an abuse that leaves the Organization under the sad shadow of paralysis and irrelevance.

The quest for justice and the rule of international law is an essential purpose of the United Nations that we should not forget. Inaction and indifference to human suffering have no place in the Organization. That is why we see greater viability every day in the adoption of alternative solutions when we are faced with stagnation in the Security Council, such as General Assembly resolution 377 (V), on Uniting for Peace — a legal mechanism established by the Assembly so that the

light of justice, the rule of law and effective compliance with the Charter return to the United Nations.

The President: I now give the floor to the representative of Pakistan.

Ms. Lodhi (Pakistan): My delegation thanks the Polish presidency for organizing and convening this debate. We also thank all the briefers for their insightful briefings this morning.

Emerging from the ashes of the Second World War, the United Nations was built on the lofty ideal of saving our succeeding generations from the scourge of war. As Members of the United Nations, we resolved that no matter how great our strength, we must deny ourselves the licence to do as we please. However, that sense of idealism has been eroded over the years, and especially by a series of recent developments. While it is true that we have not seen any major conflagration during the past 70 years, the world today is hardly at peace. Conflicts abound, long-standing disputes fester and the legitimate rights of the people continue to be denied to them in many parts of the world.

While Article 24 of the Charter of the United Nations makes the Security Council an embodiment of the membership's collective aspirations for international peace and security, action by the Council has often faltered at the altar of political expediency. Nothing diminishes the standing and credibility of the Council more than when it watches in silence while norms of international law and its own resolutions and decisions are trampled by Member States or remain unimplemented due to the narrow interests invoked in big-Power politics. Every time the Council fails to address those omissions and breaches, it compromises the moral authority of its decisions, which are otherwise legally binding.

The Charter of the United Nations represents the single most important source of international law, which all Member States have a responsibility and an obligation to uphold — more so at this critical point where fundamental tenets of multilateralism are increasingly under threat and in retreat. Strict adherence to the purposes and principles of the Charter is therefore imperative, not only to ensure the credibility and legitimacy of the United Nations system, but also to preserve the centrality of a rules-based international order.

Promoting peace has always been the principal obligation and goal of the United Nations. It is time we fully committed to the principle of seeking solutions to today's challenges through the art of diplomacy, and not on the front lines of battle. After all, coercive actions are a blunt instrument and do not create incentives for consensual solutions. My delegation wishes to offer the following five key suggestions to move our process forward.

First, the Council should assume its full responsibilities under Chapter VI of the Charter to promote political solutions, mediation and dialogue for the peaceful resolution of conflict. It should actively seek the engagement of all stakeholders, including women and the young, throughout the life cycle of a conflict. An enhanced role for the Peacebuilding Commission is equally important.

Secondly, the Council should have greater recourse to the International Court of Justice on legal matters. The Council's recommendation of one solitary dispute to the Court and its referral of a single case for advisory opinion to the Court are neither what the framers envisaged nor what the broader membership wants or desires.

Thirdly, the Council should be more consistent and unbiased in its actions. Selectivity in the implementation of its resolutions and decisions — especially on long-standing disputes, notably those in Jammu and Kashmir and Palestine — must end. After all, there can be no peace without justice. As Martin Luther King famously said, injustice anywhere is a threat to justice everywhere.

Fourthly, the tension between demands for accountability and the imperative of sovereignty must be resolved according to the norms of international law. The process of accountability needs to be viewed as a continuum that goes beyond punishment alone. Strategies such as truth and reconciliation commissions have been used effectively in many situations, and we should use them much more frequently.

Fifthly, the Council should further strengthen its cooperation with regional and subregional organizations to bring local insights and perspectives on emerging threats. In addition, solutions are often more effective when they are neither externally imposed nor culturally alien.

The United Nations is of course a reflection of its membership. It will be as strong or as weak as its Member States wish it to be. Yet for the United Nations to become fit for purpose, it must reflect the contemporary spirit of our age and become an organization that is more democratic, representative, accountable, transparent and efficient. We wish no less for the Security Council than that it be able to effectively address the imposing and complex global challenges of our time.

The President: I now give the floor to the representative of Israel.

Mr. Heumann (Israel): At the outset, I would like to thank the Polish delegation for convening this important debate. I also wish to thank the briefers we heard this morning.

Recent events in Syria have reminded us of the value and necessity of international law. Last month, the Syrian regime again deployed chemical weapons against its own people, brutally killing innocent men, women and children. Iran has also recently moved into Syria and used its base there to conduct attacks against Israel, another Member State. Those outrageous acts show what States are capable of doing when they ignore international law. Israel has already made it abundantly clear that it holds the Government of Iran, together with the Syrian regime, directly responsible for those latest unlawful acts.

Much of international law is rooted in the assumption that armies battle armies and countries face off against countries, but today that is often no longer the case. The world is facing a changing paradigm in international warfare as more countries face asymmetric fighting, confronting not States but terrorist organizations. Terrorist organizations do not abide by rules, norms or laws. Although international law is intended to be a constructive tool to minimize the loss of human lives, terrorists increasingly use and abuse it as a tool to maximize casualties. In many instances, we are confronting an enemy with no red lines. Nothing is off limits.

Those non-State actors do not merely attack civilians intentionally and systematically, they also embed their fighters and store weapons in their own densely populated urban areas, including United Nations facilities and hospitals. Their calculation is as simple as it is cynical: either civilian lives will be the fighters' defence or civilian deaths will be their rallying cry. That cowardly strategy is a breach of international law and an abuse of the very system created to protect civilian populations.

Unfortunately, the challenges that Israel faces from non-State actors are not hypothetical situations posed in a law-school textbook. Deliberations on issues relating to proportionality or distinction are not confined to academic debate; rather, they are dealt with on a daily basis by all our relevant authorities.

To our south, Hamas, the internationally recognized terrorist organization, is a pioneer in the use of human shields. It has set up headquarters in hospital basements and used ambulances to transport terrorists. It has stored rockets in mosques and hospitals, as well as in schools and shelters run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and fired them from those sites.

But it does not stop there. In recent years, Hamas has built a sophisticated underground tunnel system beneath the Gaza Strip. Those attack tunnels originate from the backyards, or even the living rooms, of family homes, snaking under civilian neighbourhoods and penetrating Israeli territory. In 2017 Israel discovered two terror tunnels that Hamas had dug under UNRWA facilities. Since October we have destroyed nine additional tunnels — tunnels intended for Hamas militants to infiltrate Israel.

Let me remind the Council that Hamas used those tunnels to kidnap two soldiers, Hadar Goldin and Oron Shaul, whose bodies remain in the hands of those terrorists, together with two Israeli civilians. Hamas refuses to provide any information on the status of those civilians and fallen soldiers, allow international organizations to access them or return the soldiers' bodies. That refusal is in and of itself a breach of international law.

Over the past few weeks, we have encountered a new variation on Hamas's old strategies. Hamas is now encouraging Palestinians to bring women and small children to the so-called peaceful protests it has instigated at Israel's security fence. Peaceful? Far from it. They are violent riots that are incited by Hamas, which they use as a cover to carry out attacks on the Israel Defense Forces (IDF) and try to reach Israeli communities just over the fence. The terrorist group even goes as far as to circulate on social media instructions to bring weapons to the demonstrations, hide them under their clothes and use them to capture soldiers or residents of Israel. The rioters are also

requested to hand over anyone captured to the Hamas terrorists to be used as bargaining chips against Israel.

More than 40,000 Palestinians, civilians and militants alike, took part in the violence on Monday, 14 May, at 13 locations spread along the 30-mile security fence. Many of the rioters were seen hurling firebombs and flaming materials, detonating explosive devices and throwing rocks at Israeli soldiers. Armed attacks were also carried out under the cover of the riots, including an incident where the IDF thwarted attacks by eight Hamas gunmen who opened fire on IDF members.

Those are therefore not the acts of a peaceful protest. The events of recent days are part of a Hamas-led military operation intended to carry out attacks on Israeli soldiers and civilians. Indeed, just yesterday, a senior Hamas representative acknowledged that of the deceased, no fewer than 50 were Hamas members.

Just to our north, in Lebanon, and now also in Syria, we face the Iranian proxy Hizbullah. Its tactics and strategies are no different: locating missiles, launchers and command posts next to and inside Lebanese homes, schools and hospitals. We have warned the Council time and again that Hizbullah has an estimated arsenal of more than 100,000 missiles. That build-up is not only a blatant and flagrant violation of resolutions 1701 (2006) and 1559 (2004), but it is also a deliberate attempt to exploit the international law that is meant to protect the civilian population.

Despite the constant threats that we face on almost all fronts, our legal system ensures that our reaction and responses comply fully with international law. As a retired President of Israel's Supreme Court, Justice Aharon Barak, once said,

> "Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand."

Justice Barak's words reflect the fact that Israel remains steadfastly committed to the law and our democratic values when acting to ensure our national security. Accordingly, checks and balances of international law are built into every stage of Israel's policy and decision-making processes. For example, military personnel receive instructions on the law of armed conflict, soldiers prepare for encounters with civilians through dedicated training drills and skilled attorneys advise the forces to ensure compliance with international law. Israel also maintains independent investigative bodies to examine credible allegations and reasonable suspicions of misconduct by its armed forces.

In conclusion, we must acknowledge that the very rules that were created to protect civilians have become one of the main tools used by terrorist organizations to put them in harm's way. The Council, the international community and everybody in this Chamber must ensure that international law is no longer exploited by terrorists for violent purposes. Those protections exist to shield civilians; they must not turn civilians into shields.

The President: I now give the floor to the representative of Switzerland.

Mr. Zehnder (Switzerland) (*spoke in French*): Switzerland thanks Poland for convening this open debate on a topic that, although often addressed within the United Nations, remains highly relevant. In that regard, allow me to draw the Security Council's attention to the following five recommendations.

First, we witness almost daily violations of international law, perpetrated in numerous armed conflicts worldwide. Faced with such crimes, the Security Council has a responsibility to take action to prevent atrocities and, if they cannot be prevented, to bring the perpetrators to justice. We welcome the fact that 116 Member States, including nine members of the Security Council, have signed the code of conduct of the Accountability, Coherence and Transparency group. We encourage the other members of the Council and all other Member States to follow suit.

Secondly, it is essential that the Security Council establish a coherent policy on resolutions referring situations to the International Criminal Court (ICC) and ensure an effective follow-up. Switzerland calls once again on the Council to refer the situation in Syria to the ICC. After seven years of conflict, accountability is more important than ever for a return to lasting peace.

Thirdly, we invite the Security Council to welcome the fact that, from 17 July, the ICC will have jurisdiction to prosecute the crime of aggression, thereby contributing to the enforcement of the prohibition of the use of force set out in the Charter of the United Nations. More than 70 years after the Nuremberg trials, a permanent international tribunal now has jurisdiction to hold those who lead wars of aggression to account for their actions. We hope that, from 17 July, the Council will be ready to refer situations to the ICC to

ensure accountability and discourage future crimes of aggression.

Fourthly, Switzerland calls on the Security Council to carefully consider the consequences of its sanctions for the integrity of international humanitarian law. The Council's decisions to impose sanctions have, in some instances, been interpreted as restricting the activities of humanitarian organizations that provide impartial assistance to affected populations, regardless of which side they belong to. The Council should consider ways to avoid such undesirable consequences.

Fifthly, and as will be explained in the statement to be delivered by the representative of Belgium, it is essential that an ombudsperson be appointed as soon as possible to head the Office of the Ombudsperson to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities. The post has been vacant for nearly 10 months, which undermines the credibility and legitimacy of United Nations sanctions and could constitute an obstacle to their uniform and universal implementation. The lack of procedural safeguards is all the more striking in relation to the other 13 sanctions regimes, which also require the creation of independent mechanisms to receive and process delisting requests.

In conclusion, my delegation wishes to make one last remark. Since 2011, together with the International Committee of the Red Cross, Switzerland has led an inter-State process aimed at establishing a regular, non-politicized and, above all, constructive dialogue among States to strengthen respect for international humanitarian law. While we call on the Security Council to assume all its responsibilities, we are also striving to contribute to better compliance with international law.

The President: I now give the floor to the representative of Belgium.

Mr. Pecsteen de Buytswerve (Belgium) (*spoke in French*): I thank Poland for convening this debate, which is important for all of us.

(*spoke in English*)

If the President will allow me, I would first like to address the Security Council on behalf of the Group of Like-Minded States on Targeted Sanctions, which is made up of Austria, Chile, Costa Rica, Denmark, Finland, Germany, Liechtenstein, the Netherlands, Norway, Sweden, Switzerland and my own country, Belgium.

As a principal organ of the United Nations, the Security Council has an obligation to comply with the rules of the Charter of the United Nations, including respect for human rights and the fundamental freedoms of individuals. The rights of due process and fair and clear procedures, which are also rules of customary international law and have been recognized as general principles of international law, are part of that important cause.

In that regard, we would like to recall that the position of the Ombudsperson for the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, has remained vacant since 8 August 2017. The longer that vacancy continues, the more likely it is to undermine Members States' trust and confidence in Security Council sanctions and to jeopardize the progress made over many years in establishing and implementing fair and clear procedures to place and remove individuals and entities on Security Council sanctions lists. We are particularly concerned about the pending cases. Delays in those cases are a direct result of the vacancy. In other words, the vacancy is directly affecting the rights of individuals to due process.

We therefore call on the Secretary-General to appoint an Ombudsperson with the necessary qualifications specified in resolution 1904 (2009) as soon as possible and to take all the necessary measures to further strengthen the independence and impartiality of the Office of the Ombudsperson, as decided in resolution 2368 (2017). We also call on the Secretary-General to take measures to guarantee that the important work of the Ombudsperson can continue until the new Ombudsperson is appointed and to avoid the recurrence of a similar situation.

(*spoke in French*)

I will now make some remarks in my national capacity.

The fight against impunity is at the heart of our actions, and Belgium has been a pioneer in the development of international criminal law. We continue to work to consolidate the existing legal framework, and we welcome the fact that three amendments to add three

war crimes to the Rome Statute of the International Criminal Court were adopted last December. We are pleased that the Assembly of States Parties to the Rome Statute decided at the same session to trigger the jurisdiction of the Court with respect to the crime of aggression. All those amendments contribute to creating a world in which such atrocities become less likely. We therefore call for their ratification by each of the States parties.

Within the context of its mandate related to the maintenance of international peace and security, the Security Council clearly has a special role to play both in promoting respect for international law and in fighting impunity. If elected on 8 June, Belgium will be committed to consistently and concretely promoting those essential objectives.

The following four main principles define Belgium's vision of the role of the Security Council in this area.

First and foremost, we must remember that respecting international law is not only the business of international tribunals, it is above all the responsibility of each State. With regard to the most serious crimes, that implies the obligation to prosecute perpetrators so that they cannot escape justice, wherever they may be.

Next, the actions of the Council must primarily form part of a preventive approach. The Council must first intervene to support States. The peaceful settlement of disputes must be the favoured approach. In that respect, we consider mediation to be an essential instrument.

In addition, the rule-of-law components of the mandates of United Nations political and peacekeeping missions should be strengthened and systematized by taking into account the specific circumstances of each mission. There can indeed be no lasting peace without justice and solid institutions.

Finally, when it takes note of mass atrocities, the Security Council must not allow disagreements among its permanent members to lead to inaction. Its credibility as a key player in the maintenance of international peace and security is at stake. That is why Belgium supports the Franco-Mexican initiative to regulate the right of veto in the case of crimes of atrocity and why we signed the code of conduct of the Accountability, Coherence and Transparency group.

In the light of the Council's inaction, we welcome the role played by the General Assembly in establishing the International, Impartial and Independent Mechanism for the Syrian Arab Republic. Belgium is proud to have been able to contribute effectively to that collective effort, alongside Liechtenstein and Qatar.

The President: I now give the floor to the representative of Italy.

Mr. Zappalá (Italy): Italy aligns itself with the statement to be delivered shortly by the observer of the European Union.

We thank today's briefers, and we congratulate Poland on holding this open debate, which revolves around the crucial issue of emphasizing the role that law must play in international relations, particularly when peace and security are at stake.

International law must be the common language of our relationships. If we fail to uphold it, the consequences, especially in the light of modern weapons and present challenges, can be very serious and potentially devastating for the future of humankind.

Sovereignty is at the heart of international law. And yet sovereignty does not and cannot imply that anyone can be above the law. Today we must strive to uphold and promote a responsible concept of sovereignty, one aimed at the well-being of people in a holistic perspective, at sovereignty as accountability to present and future generations and at protecting people — all people — without discrimination, in full equality.

States have broad discretion in choosing mechanisms to settle disputes and tackle challenges to peace and security. However, it is imperative that disputes be addressed and resolved peacefully. There are too many that remain unresolved and situations in which States do not engage in meaningful talks. States should show good faith and goodwill to address issues and settle their differences, including through non-judicial means, provided that those are inspired by adherence to fundamental legal principles.

As a follow-up to the 2012 high-level meeting of the General Assembly on the rule of law at the national and international levels, Italy accepted the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice. We encourage all States to consider doing the same, so as to place international law even more solidly at the centre of international relations. That is an objective that we must pursue together, each individual Member State, the Council and the other organs of the Organization — in other words,

the international community as a whole. We all have a duty to respect and promote respect for recognized international public goods. International law is our compass in identifying and preserving those common goods and in further promoting the most fundamental legal principles.

Italy, including during its chairship of the Organization for Security and Cooperation in Europe this year, promotes respect for human rights, fundamental freedoms and the rule of law, which are aspects indissolubly tied to our security. In that regard, we will continue to promote the universality and indivisibility of all fundamental rights, in addition to combating all forms of discrimination and intolerance.

This year we celebrate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights, as well as the seventieth anniversary of the International Law Commission, which, on an exceptional basis, is currently meeting in New York to mark the occasion. It is also the twentieth anniversary of the Rome Statute of the International Criminal Court (ICC).

Accountability for serious international crimes, particularly those that threaten fundamental and universally recognized norms, is one of those areas where the international community should be more united. In situations where peace and security are at stake, if the Council fails to uphold international law, there are strong risks that more chaos and disorder will ensue. When the Council does not act — for example, because of divergences among its permanent members — there are situations where other organs ultimately have to step in. That is what happened with the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which we support.

The Security Council could strongly contribute to strengthening our collective engagement to ensure respect for international law, as it did when it established the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as their successor institution, the International Residual Mechanism for Criminal Tribunals. Today the Council could promote accountability, for example, by referring to the ICC situations in which war crimes and crimes against humanity are perpetrated and by supporting the Court, by limiting the veto power in cases of mass atrocities or by establishing appropriate subsidiary organs or procedures to provide for a prompt and effective follow-up on reports of serious violations of fundamental rules of international law.

Upholding international law has a unique preventive power. We must work together to reinforce that power by holding accountable those who violate the international norms regulating our relations.

The President: I now give the floor to the representative of the Islamic Republic of Iran.

Mr. Khoshroo (Islamic Republic of Iran): Allow me to first express my delegation's appreciation to the Polish presidency for convening this open debate. Indeed, the choice of this crucial topic for our debate is very appropriate and timely.

First and foremost, I align myself with the statement to be delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

I also thank the Secretary-General and the former President of the International Court of Justice for their input.

Today more than ever, multilateralism and the international legal order are under threat by unilateralism, disregard for international law and disrespect for the common interests of the international community as a whole. The prerequisite for a rules-based international legal system is full respect for the sovereignty, independence and territorial integrity of all States and upholding the principles of international law and customary international law.

Since the establishment of the United Nations, maintaining international peace and security has been one of the key concerns of the international community. With that in mind, the prohibition of the threat or use of force, as enshrined in the Charter of the United Nations, is an achievement of the United Nations sine qua non. Unfortunately, certain Member States tend to use intimidation and the use or threat of force to impose their will on others. Those practices undoubtedly lead to disorder, instability and insecurity, as we see in some regions, especially in the Middle East.

At the same time, some developing countries are unjustly targeted by arbitrary unilateral economic sanctions. Such morally wrong and ethically unjustified unilateral measures not only defy the rule of law at the international level, they also infringe on the right to development, which ultimately leads to the violation of basic human rights. It is a fact that such measures have almost always been initiated by a single Member State, the United States, which is apparently addicted to sanctions and sees them and the use of threats as the only tools available to it in pursuing its agenda. These practices obviously contravene international law and the Charter of the United Nations, especially where they deprive nations of their lawful and legitimate rights under treaties as well as the fundamental human rights of individual citizens in the targeted States. In many cases, unilateral sanctions are imposed as a result of the extraterritorial application of domestic legislation against legal and natural persons in other countries, in spite of the many General Assembly resolutions against such unlawful measures.

Unilateral measures, in the form of illegal recourse to war, occupation, aggression, denial of the sovereignty of Member States or disregard for the immunity of States under unsubstantiated legal doctrines, are obvious manifestations of the rule of power, not the rule of law. Such practices can undoubtedly be qualified as internationally wrongful acts that negatively affect a rules-based international order and endanger the maintenance of peace and security.

It is ironic, given the holding of this open debate, that this very month the international community has witnessed two specific situations where the credibility of international law and international agreements was severely damaged. On 8 May 2018, the United States announced its unilateral and unlawful decision to withdraw from the Joint Comprehensive Plan of Action (JCPOA) and reimpose all United States nuclear-related sanctions. This was a material breach of the JCPOA and of resolution 2231 (2015), of which the JCPOA is an integral part.

The official announcement came after multiple and prolonged violations of the JCPOA by the United States, including bad faith, nominal implementation, undue delays, new sanctions and designations, anti-JCPOA statements, refusal to issue the necessary licences, particularly in the past 16 months, as well as systematic and concerted efforts to sabotage the deal by actively dissuading others from doing business with Iran. Considering the fulfilment by the Islamic Republic of Iran of its commitments under the JCPOA, as repeatedly and consistently verified by the International Atomic Energy Agency, these acts and omissions on the part of the United States reflect a complete disregard for international law and the United Nations Charter. They undermine the principle of the peaceful settlement of disputes and endanger multilateralism and its institutions. It is a regression to the failed and disastrous era of unilateralism and encourages illegality.

On 14 May, Netanyahu and his guests celebrated the illegal move of the United States embassy to Jerusalem, violating and mocking international law as well as the many United Nations resolutions regarding the situation of Jerusalem and the inalienable rights of the Palestinian people. At the same time, the Israeli army was creating its latest bloodbath in Gaza, killing more than 61 people and injuring more than 2,500 unarmed Palestinian protesters in a single day — a shameful violation of international humanitarian law and international human rights law. These criminal acts took place in an atmosphere of total impunity shown to the Israeli regime by the United States.

Any serious effort to uphold international law must entail accountability for such wrongful and criminal acts, especially when they fly in the face of the United Nations Charter and international law. Violators should be compelled to bear responsibility for their wrongful acts.

The President: I now give the floor to the observer of the European Union.

Ms. Adamson: I am honoured to speak on behalf of the European Union (EU) and its member States. The former Yugoslav Republic of Macedonia, Montenegro and Albania, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

I would like to thank you, Madam President, for holding this open debate on this crucial topic at a moment where the international situation poses increasing challenges to the fundamental principles underlying the Charter of the United Nations, particularly respect for international law and the rules-based international order.

One of the main objectives of the European Union's external action is support for the rule of law and the principles of international law, as well as the preservation of peace and the strengthening of

international security, including through the peaceful settlement of disputes.

These core objectives of the EU are reflected in its Global Strategy, which identifies the integrated approach to external conflicts and crises as one of our priorities and strongly resonates with the overall United Nations approach. It requires the EU to further strengthen the way it brings together institutions, expertise and instruments, and to work with its Member States on prevention, peacebuilding, crisis response and stabilization in order to contribute to sustainable peace.

Regarding the peaceful settlement of disputes, the EU and its member States support all the means of peaceful settlement referred to in the United Nations Charter. We would like to see the Security Council continue on a more systematic basis its practice of holding early discussions on situations at risk of violent conflict, with a view to identifying the possibilities for early collective action to prevent violence. In this regard, in situations where the Security Council could act to prevent or stop violence, it should do so. In particular, members of the Security Council should not vote against a credible draft resolution on timely and decisive action to end the commission of genocide, crimes against humanity or war crimes, or to prevent such crimes.

In the same vein, the Council could strive to make greater use of the possibility offered by Article 34 of the Charter to investigate any dispute or situation that might lead to international friction or give rise to a dispute. The EU and its member States stand ready to contribute to this process by establishing a regular informal dialogue with the Security Council. We could in particular look at how we could contribute to United Nations action decided upon by the Council under Chapter VI of the Charter and share our own experiences as regards the peaceful settlement of disputes and upholding international law, in the framework of EU crisis-management operations. An example of such informal dialogue between the EU, its member States and the members of the Security Council was the recent EU-United Nations seminar on sanctions, held by the EU delegation in March. Such a format could also be used to discuss the questions set out in the concept note (S/2018/417/Rev.1, annex).

The United Nations Convention on the Law of the Sea also makes a pre-eminent contribution to the strengthening of peace, security, cooperation and friendly relations among all nations. The Convention is recognized as the constitution of the oceans, reflecting also customary international law, and the EU and its member States urge all States to abide by its provisions. All States must refrain from actions that are in violation of Article 2, paragraph 4, of the United Nations Charter, which prohibits the threat or use of force.

Turning to the question of strengthening compliance, we would like to recall that the rule-of-law components within United Nations peacekeeping operations play a crucial role in integrating the promotion of justice and the rule of law, including respect for human rights and international humanitarian law, in the States where they are deployed. Clear and comprehensive mandates as well as appropriate means are vital to the success of these rule-of-law components. The Council should, working with other parts of the United Nations system, in particular the Peacebuilding Commission, the Rule of Law Coordination and Resource Group, and the Rule of Law Unit, pay particular regard to ensuring the sustainability of rule-of-law assistance measures after the termination of a United Nations operation.

The EU currently deploys 10 civilian missions, which operate in the framework of strengthening the rule of law, including in cooperation with United Nations missions. I mention in that connection Mali, Libya, Kosovo and Somalia. We would also like to encourage the Security Council to support the Geneva intergovernmental process on strengthening respect for international humanitarian law.

For our part, in order to promote law and international humanitarian law in a visible and consistent manner, the EU has developed operational tools in the form of guidelines on human rights and international humanitarian law.

With regard to the most effective responses to flagrant violations of international law concerning international peace and security, the EU and its States members stress the importance of complying with the Charter and United Nations resolutions adopted under Chapter VII of the Charter. The Security Council has a duty to act, when necessary, to restore international peace and security, which it has sadly failed to do in certain situations. We are of the view that, as applicable, the Council should be more systematic in including in its relevant resolutions, including those imposing targeted sanctions, language regarding respect for international human rights law and international humanitarian law.

With regard to listing and delisting decisions, fair and clear procedures are important. The EU urges the Secretary-General, in accordance with resolution 1904 (2009), to swiftly appoint an Ombudsperson for the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, a post that has been vacant for more than nine months.

We would also like to stress the importance of ensuring respect for international law, including humanitarian law, human rights law and refugee law, as a fundamental basis of the struggle against terrorism. Respect for human rights, fundamental freedoms and the rule of law, and efforts to counter terrorism, are mutually reinforcing objectives. With regard to the issue of accountability for serious violations of international humanitarian law and human rights law, the EU believes in strengthening international courts, tribunals and mechanisms that serve that purpose and promote the rule of law, especially in conflict and post-conflict situations. In our view, peace and justice must go hand in hand. We are of the opinion that the Security Council's inability to take action regarding situations such as that in Syria, including referring them to the International Criminal Court (ICC), seriously undermines the credibility and legitimacy of the United Nations.

The EU and its States members have from the beginning supported the International Criminal Court. We encourage the broadest acceptance of its jurisdiction. We also believe that when the Security Council makes a referral to the ICC, the Council should demonstrate support for it in instances of non-cooperation with the Court by States and consistently and rigorously apply its own guidelines on contacts with persons who are the subject of arrest warrants and summonses. Looking ahead towards the twentieth anniversary of the Rome Statute, we would like to note the activation of the International Criminal Court's jurisdiction over the crime of aggression as of 17 July.

Lastly, in a world faced with increasing and complex challenges to international peace and security, our working methods need to evolve accordingly. By addressing situations earlier and in a more coherent, integrated manner, and by mobilizing the entire toolbox at our disposal, we can help transform our approach to conflicts and crises and thereby further empower the Security Council in fulfilling its core mandate. The EU and its States members stand ready to assist the United Nations and the Council in that process.

The President: I now give the floor to the representative of South Africa.

Mr. Zaayman (South Africa): I congratulate the delegation of Poland on assuming the presidency of the Security Council for the month of May and for organizing this timely open debate on upholding international law within the context of the maintenance of international peace and security.

My delegation aligns itself with the statement to be delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

Let me be clear. The law in itself does not protect. It is only effective implementation of the law and respect for it that protect. We want to stress that in order to uphold international law, the international community must be governed by a system in which all players are accountable to laws that are equally enforced and independently adjudicated. Without that, the fabric of international law will lack credibility. We should not selectively condone breaches of international law, including non-compliance with Council resolutions, because of the political reluctance of a few. In our consideration of the upholding of international law, we must start with the resolutions of the Council, which are at times ignored or deliberately breached. The Council should ensure that there is accountability for its decisions, or they will be rendered worthless.

Respect for human rights and international humanitarian law is an essential component of the rule of law, particularly in conflict situations, and it plays a crucial role in the maintenance of international peace and security. Security Council resolutions on specific country situations, as well as on thematic issues, have reiterated that link on numerous occasions. The Council should continue promoting compliance with the principles and rules of international humanitarian law by parties to armed conflicts.

The United Nations could play at least two important roles with regard to the implementation of international humanitarian law. First, during times of peace, it is important for the United Nations to assist Member States, at their request, with the dissemination and effective domestication of international humanitarian law instruments. Secondly, the United Nations should

continue to play a vital role in monitoring adherence to and prosecution of international humanitarian law violations during times of armed conflict. It is important to note that a proactive approach, involving dissemination and education, should be the primary focus, rather than a reactive one in which action is taken only following grave breaches of international humanitarian law. The way forward also lies in States adopting, ratifying and codifying in national laws the various conventions and protocols on the law of armed conflict, and assuring their implementation on the ground. Just as national Governments have the primary responsibility for ensuring the safety and protection of their civilians, national courts also have a clear obligation to bring to justice those accused of grave breaches of international humanitarian law and national laws based on it.

The fight against impunity, and efforts to ensure accountability for genocide, crimes against humanity, war crimes and other egregious crimes, have been strengthened through work on those crimes and their prosecution in the international criminal justice system, in ad hoc and mixed tribunals as well as specialized chambers in national tribunals. The Council is also increasingly recognizing the contribution that national justice systems are making to combating impunity for serious violations of international humanitarian law and human rights law. The importance of strengthening national accountability mechanisms, with full respect for due process and the rights of the defence, including building investigative, prosecutorial and witness-protection capacities in post-conflict countries, should be recognized and nurtured.

The evolution of global threats to international peace and security has seen significant innovation in the design and imposition of United Nations sanctions. The rational for sanctions has expanded to include the protection of civilians and the prevention of human rights atrocities, by thwarting the development of unconventional arms and their delivery systems and the financing of conflict through the exploitation of natural resources and criminal activities. As the focus of United Nations sanctions has narrowed to target specific goods and services, as well as specific individuals and entities, we should ensure that those sanctions are reconciled with the rule of law, especially with regard to due process and human rights.

The vital link between the promotion of justice and the attainment of a peaceful world is inherent in the building blocks of the United Nations. The establishment of the International Court of Justice as a principal organ of the United Nations reflects the recognition of that link. We continue to encourage the Council to make better use of the International Court of Justice, the principal judicial organ of the United Nations, by making requests for advisory opinions when confronted with complex legal questions. It would confirm that notwithstanding the primary role of the Security Council in the maintenance of international peace and security, the Council operates within the framework of international law in all its actions. The Security Council can play a role in the promotion of the rule of law by regularly requesting advisory opinions from the International Court of Justice.

We are pleased that the General Assembly has been ready to use that prerogative to request advisory opinions, and we encourage the Council to follow suit when faced with questions of legal complexity. The Security Council has an important role to play in the enforcement of decisions of the Court in accordance with Article 94 of the Charter. We believe that responsibility applies equally, though differently, where the implementation of advisory opinions is concerned. Although advisory opinions of the International Court of Justice are not binding, they are not without legal consequence, and failure to comply with them indicates a violation of whatever rule or law that the Court may have deemed to be at issue.

Lastly, my delegation would like to reaffirm the importance of partnership and cooperation between the Council and regional and subregional organizations, in accordance with Chapter VIII, in supporting conflict prevention and peacebuilding activities, as well as forging greater regional and national ownership.

The President: I now give the floor to the representative of Qatar.

Ms. Al-Thani (Qatar) (*spoke in Arabic*): At the outset, I would like to congratulate you, Madam President, on presiding over the Council this month. I would also like to thank you for convening this open debate on a topic of major importance for the international community. We also welcome Mr. Andrzej Duda, President of the Republic of Poland, who presided over the discussion this morning.

Threats to international peace and security are greater today than ever. Some refuse to fulfil their obligations under international law. That serious

challenge is compounded by weak levels of cooperation in containing those global threats and peacefully resolving conflicts and crises. Impunity also helps to aggravate such crises and constitutes a serious violation of international law, international human rights law and international humanitarian law. Experience has shown that the international community cannot counter threats to international peace and security without cooperating and working collectively in strict adherence to international law, something that we have seen in the context of our common fight against terrorism, for example, which has shown us very clearly that respect for international law adds value to such efforts.

International law and the relevant institutions concerned with its implementation reflect the profound will of States, which is the basis on which the United Nations was created, as well as of other bodies, particularly the various tribunals and legal entities that have made respect for international law possible. Thanks to international law, humankind has made strides forward, but every time it is breached or ignored, the credibility of international institutions is called into question. That in turn affects our ability to cope with international challenges and crises and jeopardizes international efforts to maintain international peace and security. We are also seeing serious contradictions in the world today. While the reality in many areas is very promising, at the same time we are very worried about the conflicts that are increasing and worsening day by day, with the international community unable to resolve them. We should therefore work to enable our international institutions to implement their mandates and thereby ensure respect for international law.

Now more than ever, given the magnitude of the danger emanating from those threats to international peace and security, we need to strengthen the mechanisms created by the international community in the area of collective security in order to end the various conflicts and resolve international crises. Any attempt to change the status quo illegally has to be stopped. We must avoid any undermining of international peace and security, uphold Article 1 of the Charter of the United Nations and dissuade any party trying to violate international law. We have to make sure that the sovereignty and security of States are respected and that the use of force in international relations is prohibited. We should also respect the right of people to self-determination, and we must prevent conflicts, resolve them peacefully and act in conformity with Article 8 of the Charter.

Today, as the Council is discussing respect for international law, we can see that the Palestinians, unarmed as they are, have gone undefended for several days while under attack in the Gaza Strip as they peacefully and legitimately protest. That is a serious violation of international law, and the State of Qatar denounces it in the strongest possible terms. Given the serious nature of the violations committed by the Israeli occupying forces, we call on the Security Council and the international community to shoulder their responsibility by protecting Palestinian civilians on the basis of the relevant international instruments.

Maintaining international peace and security is a collective responsibility, which is why no efforts should be spared to find just solutions to our common challenges. The State of Qatar has always acted in accordance with its obligations within the partnership we have with the international community to fulfil the purposes and principles of the Charter. We have undertaken a number of measures within the framework of the international community to strengthen dialogue and mutual understanding, promote tolerance and cooperation, fight extremism and terrorism and work to bring an end to impunity. We have called for accountability for those who commit mass atrocities and have made numerous efforts, which have been documented and welcomed by the Council, to ease tensions, prevent conflicts and resolve them peacefully. We have been guided in that by the Charter, international law and the resolutions of the General Assembly and the Security Council.

Despite that record of regional and international cooperation to fulfil the aims and purposes of the Charter, for almost a year the State of Qatar has been a victim of an unjust blockade and other questionable unilateral actions that contravene the provisions of international law and human rights and disregard principles of cordial relations, which could have grave consequences for regional and international peace and security. Ensuring respect for international law — the very law that the Security Council is defending today — is the shared responsibility of all Member States in our efforts to achieve international peace and security. That cannot happen when countries institute policies based on threatening to undermine and violate other States' integrity and on fabricating non-existent crises in order to promote their illegal aims. International law and the United Nations Charter

must be upheld, especially in regions that are mired in conflicts and crises, as is the case in the Middle East.

Lastly, the State of Qatar reiterates its commitment to respecting our cooperation with the international community, upholding international law and rising to our common challenges within the framework of the Security Council mandate, which is to maintain international peace and security.

The President: I now give the floor to the representative of Australia.

Ms. Bird (Australia): Thank you, Madam President, for convening today's important debate. The maintenance of international law, and through that, of international peace and security, is a pillar of the Charter of the United Nations. In past statements, the Council has explicitly affirmed its commitment to an international order based on the rule of law and international law. In doing so, it has explicitly recognized the contribution that the international order makes both to addressing our common challenges and to the maintenance of peace and security. Australia would like to take this opportunity to highlight two key issues — the Council's role in ending impunity for serious international crimes and in promoting the peaceful settlement of disputes.

First, the Council has itself made clear its commitment to combating impunity for serious violations of international humanitarian law and human rights law. It has underlined the important role that international justice plays in the prevention of armed conflict. Australia agrees that justice and accountability must be at the core of the international rules-based order, as it is at the core of the social contract between States and their citizens at the domestic level.

Judge Meron's remarks give us cause to reflect on the significant legacy of the ad hoc tribunals for the former Yugoslavia and for Rwanda, which were created when the Council expressed a common resolve to deny impunity to perpetrators of serious international crimes. That resolve was evident in the Council's referrals of the situations in Darfur and Libya to the International Criminal Court. Regrettably, we have not witnessed the same resolve for Syria. We have been dismayed by the use of the veto to block the Council's ability to act in the face of the horrors we have witnessed there. We urge the Security Council to once again lead by example in the fight against impunity and the maintenance of the international rules-based order.

Secondly, Article 1 of the Charter states that the settlement of international disputes should be undertaken in conformity with international law. That was included on the initiative of a permanent member of the Council. The Council has also stated its commitment to actively supporting the peaceful settlement of disputes between Member States, in conformity with Chapter VI of the Charter. Australia and Timor-Leste have demonstrated how that can be done to the benefit of both parties, this year concluding the first-ever conciliation under the United Nations Convention on the Law of the Sea and setting maritime boundaries. Australia calls on the Council to continue to actively encourage States to settle disputes by peaceful means, including through the use of the principal judicial organ of the United Nations, the International Court of Justice.

The President: I now give the floor to the observer of the Holy See.

Archbishop Auza: I would like to begin by commending Poland's presidency of the Security Council this month for organizing today's debate on the crucial issue of promoting and strengthening the rule of law in maintaining international peace and security.

The efforts of the United Nations to promote the rule of law are essential to international peace and security. As Pope Francis affirmed in his address to the General Assembly in 2015,

> "The work of the United Nations, according to the principles set forth in the Preamble and first Articles of its founding Charter, can be seen as the development and promotion of the rule of law in the understanding that justice is an essential condition for achieving the ideal of universal brotherhood" (*A/70/PV.3, p.3*).

It is by strengthening the rule of law that we will not only avoid many conflicts but will ultimately avoid falling into an international relations based on fear and distrust. The Charter of the United Nations, which is a fundamental juridical norm, obliges the Organization to ensure that the rule of law is uncontested and that we have consistent recourse to negotiation, mediation and arbitration.

The Security Council has an essential role to play in the fair and impartial application of the rule of law. The fundamental importance of that responsibility is manifested in the legally binding nature of its decisions. Member States and all other stakeholders must seek

out ways to enable the Council to better shoulder its responsibilities and ensure respect for the values enshrined in the Charter. That is why my delegation believes that today's open debate is being held at a very important time for us to recall that the primary responsibility for ensuring prosecution for serious international crimes and other gross violations of human rights lies with Member States. We therefore appreciate the commitment of Member States, expressed on many occasions, to ensuring that impunity is not tolerated for genocide, war crimes and crimes against humanity, or for violations of international humanitarian law and gross violations of human rights law.

That commitment has been manifested in the creation of ad hoc international criminal tribunals to investigate possible crimes of genocide, war crimes and crimes against humanity during past and ongoing conflicts. That demonstrates Member States' determination to ensure that such crimes are properly investigated and appropriately sanctioned, among other things by bringing the perpetrators of crimes to justice through national or, where appropriate, regional or international mechanisms, in accordance with international law. Accountability is an essential component in strengthening the rule of law and must be at the centre of our efforts for peacebuilding, sustaining peace and preventing conflict generally. In that regard, my delegation appreciates the work of national and international justice mechanisms in maintaining and further consolidating the rule of law, as well as in helping to crystallize legal concepts and establish jurisprudence that contribute to the positive evolution of international law and to the rule of law itself.

Accountability for grave injustices and human rights violations and the need to restore justice cannot be overlooked or sacrificed in the name of a volatile, provisional pseudo-stability. Peace can be sustainable only if it goes hand in hand with justice. Truth-finding efforts are crucial in the process of peace and reconciliation, which represent essential building blocks for the establishment of lasting peace in post-conflict settings. A multifaceted and properly sequenced transitional justice strategy is needed to address violations of human rights and international law, one that includes prosecutions, reparations and institutional reform. Priority should be given to ensuring access to justice for those who often suffer disproportionately in conflict, particularly women, children and persecuted religious or ethnic groups, whose voices are most likely to remain the least heard in peace negotiations and post-conflict processes.

Together let us work to advance the rule of law.

The President: I now give the floor to the representative of Ukraine.

Mr. Yelchenko (Ukraine): At the outset, I would like to thank you, Madam President, for convening today's meeting to highlight the indisputably central role of international law in the maintenance of international peace and security, which is the most solemn task and duty of the Council. After all, proper consideration of most, if not all, Security Council agenda items is hardly possible without taking into account relevant legal aspects such as centuries-old treaties, customary rules, general principles and judicial practice.

Before going further into the subject in my national capacity, I would like to note that Ukraine aligns itself with the statement made earlier on behalf of the European Union.

Today many delegations highlighted the importance of respecting and maintaining the purposes and principles of the Charter of the United Nations. I am proud to recall that my country, as a founding Member of the United Nations, chaired the drafting of the Charter's Preamble and Chapter I at the San Francisco Conference. The principal objective of our Organization, as set up in Article 1 of the Charter, is to maintain international peace and security. How can we achieve that vital goal? The answer can be found in the same Article — through collective, peaceful and preventive action.

By joining the United Nations, Member States undertake the responsibility to act in conformity with international law, including the Charter's purposes and principles. In that regard, I would like to stress that every time a Member State votes on matters of war and peace, either here in the Security Council or in the General Assembly, that vote should be assessed according to how it contributes to the implementation of the United Nations Charter.

There are numerous examples of Charter violations in the history of the United Nations. I will address the most recent and blatant one. Russia's temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol, and of territories in the Donetsk and Luhansk regions of Ukraine, clearly demonstrates that the violation of fundamental principles of

international law by a permanent member of the Security Council is one of the most serious current threats to peace and security. If we think back to mid-2013, trying to recall the situation in the world at the time, and then fast-forward five years later and look around, we now find ourselves in a dangerous downward spiral. The responsibility lies squarely with the Russian Federation, which, with no remorse, committed what is clearly defined by General Assembly resolution 3314 (XXIX) of 14 December 1974 as an act of aggression against my country, both in Crimea and Donbas. The pathetic citations of the Charter and never-ending lectures on the United Nations by the Russian delegation, which have become a trademark of their statements in this Chamber, should not mislead anyone.

Incidentally, the worrying trend of Russia's revanchist policy of using military force against other States had already started to emerge in the 1990s in Moldova, came to the fore in 2008 in Georgia and culminated in Ukraine in 2014. Moreover, the list of its transgressions and wrongful acts has continued with its overt support of the oppressive Syrian Government and covert operations in the United Kingdom, as well as clandestine murders in my country. All of those violations have taken place against a backdrop of Russia's systematic abuse of the right of veto and blatant disregard of its obligation to maintain peace and security.

On several occasions over the past four years, Ukraine has urged the Russian Federation to accept its international legal responsibility and has demanded that such wrongful acts end. We remain committed to a peaceful resolution of the conflict in our country, in accordance with Article 33 of the Charter. Ukraine has always prioritized peaceful, legal and diplomatic means of conflict resolution. We stand for multilateralism by turning to the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe and other international bodies for support. And we will continue along that path by resorting to all means available to the States Members of the United Nations to resolve the situation that has arisen as a result of the Russian military aggression against Ukraine.

In that spirit, we have initiated proceedings in the International Court of Justice against the Russian Federation concerning the application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. In April Ukraine requested that the International Court of Justice provide a definitive interpretation of the order it issued one year ago imposing provisional measures on the Russian Federation, which remains unimplemented. We did so because the situation in temporarily occupied Crimea continues to be characterized by gross violations of international humanitarian law and international human rights law and the systematic persecution of Ukrainians and Crimean Tatars. We are also witnessing further deterioration of the security and humanitarian situation in the occupied parts of Donbas.

Together with a number of other States, we are working on establishing an accountability mechanism for the downing of Malaysia Airlines Flight MH-17. We initiated an arbitration proceeding against the Russian Federation under the 1982 United Nations Convention on the Law of the Sea.

We again urge the Russian Federation to reverse the occupation of Crimea and Donbas, to stop its aggression, including by withdrawing its regular armed formations and mercenaries, weapons and equipment from the temporarily occupied territories of Ukraine, and to fully implement its commitments under the Minsk agreements and obligations under international law.

It is worth mentioning that the principle of the peaceful settlement of disputes creates not only obligations for Member States but also responsibilities for the principal organs of the United Nations, including the Security Council, especially in the application of the provisions of Chapter VI and Chapter VII of the Charter. The role of the Secretary-General is also crucially important. As to the Security Council, its failure to exercise its primary responsibility in dealing with threats to peace, breaches of peace, or acts of aggression should trigger a reaction by the General Assembly.

In conclusion, let me share a few more practical suggestions. First, we deem it necessary for the Council to reinforce its preventive function. In order to better understand preventive efforts, we suggest, as a starting point, requesting the Secretariat to prepare an analytical report on actions taken by the Council before and after conflicts, in order to detect weak points and help to avoid similar gaps and mistakes in the future. Secondly, we also consider the Council's reaction to grave violations of international law to be slow and inconsistent. In that regard, we propose elaborating a kind of test-based algorithm that could serve as an informal guide for Council members

on how to timely, properly and transparently fulfil the Council's primary responsibility with regard to conflict situations, including acts of aggression. The Framework of Analysis for Atrocity Crimes, presented by the Secretary-General in 2014, could be used as a reference document.

The President: I now give the floor to the observer of the African Union.

Ms. Mohammed: Allow me first to congratulate you, Madam President, on assuming the presidency of the Security Council for this month and to thank you for convening this timely open debate. The presence of His Excellency President Duda at this meeting, as well as the high-level participation from Member States, bears witness to the critical importance of today's debate as well as to the Security Council's commitment to advancing global understanding on the need to uphold international law within the context of the maintenance of international peace and security.

Today's debate is taking place amid greater preoccupations and fears about the future of the multilateral international order. In recent years, multilateralism has been increasingly challenged by the growing use of unilateral measures that undermine the very foundations of the Charter of the United Nations. We have also witnessed with serious concern the deepening rifts in international relations that have already given rise to serious implications for the fulfilment of existing norms and established practices in international law.

In the face of those challenges, the international community must voice its concerns and reiterate its commitment to a rules-based system, which remains the best and safest way to enhance cooperation in order to address the global issues of peace and security. We also need to reaffirm the validity of the founding principles of the Charter of the United Nations, which have stood the tests of time and the world's continued upheavals. More important, the relevant provisions of the Charter must be strictly observed, especially when it comes to the use of force in international relations.

Furthermore, the primacy of the United Nations as the global forum for legitimate, effective and inclusive multilateralism must be enhanced. But we need to restore confidence in the capacity of the United Nations to stay relevant in the face of multiple and severe challenges. In that regard, we are encouraged by the Secretary-General's reform agenda, which, in our view, should be supported and pursued so as to advance meaningful changes in perspective on adapting the United Nations to the complex realities of today's world.

The scope of those reforms should not be confined to the Secretariat aspects alone. Every effort should be made to conclude the long-stalled process concerning the reform of the Security Council. The time has come to make the Security Council effectively democratic, transparent and truly representative by correcting the historical injustice done to the African continent.

Africa has been both a major beneficiary of and crucial contributor to the evolution and functioning of multilateralism. I wish to recall in that context the central role of multilateralism in Africa's decolonization and post-independence experiences, including the struggle against apartheid.

Africa has always been supportive of existing international norms, as well as of genuine processes of codification and progressive development of international law in order to promote friendly relations and cooperation among Member States and the peaceful settlement of disputes and conflicts. In that regard, I wish to refer to the recent statements made by the Chairperson of the African Union Commission on Syria, Palestine and Iran, to say that those positions were profoundly grounded in our strong belief that, whatever the circumstances are, international law must be respected. Through the African Union and its regional mechanisms, Africa will spare no effort in countering the emerging erosion of multilateralism in accordance with the following principles: first, respect for African ownership and priority-setting in a spirit of mutual respect; secondly, flexible and innovative application of the principle of subsidiarity; thirdly, mutual respect and adherence to the principle of comparative advantage; and, fourthly and finally, a division of labour underpinned by complementarity.

Africa will continue to strengthen relationships with its partners in a structured, strategic and mutually beneficial manner. The challenging and increasingly complex situations on the ground require more enhanced and properly calibrated interventions. Strengthening our strategic partnership with the United Nations will therefore continue to be an essential pillar of our joint efforts to achieve an inclusive, peaceful, prosperous and better world for all.

The President: I now give the floor to the representative of Germany.

Mrs. Puerschel (Germany): Like others, I would like to commend Poland for convening today's debate on this very crucial topic and to thank this morning's briefers. We were especially moved by Judge Meron's statement reminding us of the atrocities of the Second World War, which are at the basis of why Germany is a staunch support of strengthening our rules-based international order. Germany is strongly committed to supporting, defending and developing that order. Our campaign for a seat on the Security Council for the 2019-2020 term reflects that commitment.

International peace and security can be achieved only if we respect and adhere to international law and the rules-based international system that we as States have built together. We have a responsibility not only to create law but also to respect and implement it. That law includes first and foremost the Charter of the United Nations, which entrusts the primary responsibility for upholding international peace and security to the Security Council and keeps at hand a whole system of measures, in Chapters VI, VII and VIII of the Charter, to be deployed to that end. Upholding international law also means respecting and implementing Security Council resolutions and international agreements.

Unilateral breaches undermine the entire system. It is deplorable that we still witness breaches of international law on a daily basis. It is not hard to list numerous breaches of human rights law and international humanitarian law — for example, in the ongoing conflicts in Syria, Yemen, Myanmar and other places around the world. We can also list violations of sovereignty and territorial integrity — for example, in Ukraine with regard to Crimea and Donbas.

We need to adhere to what has been agreed on, including upholding the consolidated international position on Jerusalem embodied in resolution 478 (1980). Addressing breaches of international law that pose a threat to peace and security is key to preventing conflicts early on. The Security Council needs to be informed at an early stage of such breaches and take early action.

There is a close correlation between protecting human rights and safeguarding peace and security. Repeated, grave or systematic violations of human rights are crucial early-warning signs for crises. For that reason, human rights situations should be brought before the Security Council. The Council should also work more closely with the Human Rights Council and its mechanisms. In the past, clear warnings have not always been registered by the Security Council. The situation of the Rohingya is just one example. Since 2014, the Human Rights Council has time and again called on the international community to react to the grave situation in Myanmar.

In addition to investigations, Article 33 of the Charter provides numerous other instruments for the prevention of conflicts, of which mediation is one. Peace mediation is an essential instrument of Germany's crisis and stabilization policy, and it has significantly strengthened its mediation efforts over the past three years.

Let me also highlight judicial settlement as a means of prevention, which was also mentioned by a couple of colleagues today. Germany shares the opinion that international courts and tribunals, such as the International Court of Justice, the International Tribunal for the Law of the Sea and other tribunals and arbitration mechanisms, can and should play a more important role in the peaceful settlement process. For that to happen, Member States must also respect and implement their decisions.

Another aspect of prevention is deterrence. Germany is strongly committed to the fight against impunity and to advancing international criminal law. We are the second-largest financial contributor to the International Criminal Court (ICC). In the twentieth year since the adoption of the Rome Statute, we believe that the International Criminal Court is more important than ever, and its work sends an unequivocal signal to perpetrators and potential perpetrators of the most serious and horrific crimes that they will be held accountable. It also sends a message of hope to the victims of atrocity crimes that they will not be forgotten by the international community.

Allow me to illustrate that point with an example. When the International Tribunal for the Former Yugoslavia closed its doors last December, none of the 161 indictees were still at large. The Tribunal concluded proceedings in all its cases. Ninety people were convicted, among them Heads of State, ministers and generals. The Tribunal proved that the law can prevail even against perpetrators who once seemed untouchable.

Germany believes that the Security Council should refer situations to the ICC in the case of serious allegations of breaches of human rights and

international humanitarian law. The use of chemical weapons constitutes a serious violation of international humanitarian law. Those responsible for such crimes must be identified and held accountable by all means at our disposal. We sincerely urge the Security Council to live up to its responsibility and establish an independent, impartial and objective attribution mechanism for the situation in Syria.

In conclusion, I would like to add that I fully support what the observer of the European Union and the representative of Belgium said on sanctions.

The President: I now give the floor to the representative of Jamaica.

Mrs. Mills (Jamaica): Jamaica would like to congratulate you, Madam President, and Poland on your assumption of the presidency of the Security Council for the month of May. We welcome this opportunity to participate in this open debate, which is both timely and relevant. Our thanks also go to the Secretary-General, the former President of the International Court of Justice and the President of the Mechanism for International Criminal Tribunals for their remarks.

The concept note prepared for this debate (S/2018/417/Rev.1, annex) provides very pointed questions to guide our collective reflection on how best to ensure that the tenets of international law are not only upheld but also fully respected by all Member States. My delegation believes, however, that reform of the Security Council must be at the core of our discourse. As the main organ charged with the maintenance of international peace and security, it is critical that the Council be able to meaningfully, effectively and convincingly respond to threats to international peace and security. Consequently, clear and decisive action has to be taken in that regard. Security Council reform must be pursued as a matter of urgency if real progress is to be realized.

Secondly, ensuring respect for international obligations has to be promoted as part of a larger agenda that takes account of action being undertaken at the national level. Efforts to promote peacebuilding and sustaining peace through a concentrated focus not only on conflict resolution but also on conflict prevention will be essential. Such an approach is necessary in the face of traditional as well as new and emerging threats to international peace and security, which are being fuelled by a myriad social, economic and political factors that provide a breeding ground for discontent, conflict and strife.

Thirdly, innovative and creative approaches are effective insofar as they are grounded in the legality of the action that they purport. We must, at a minimum, put a greater premium on reliance on the tools that we already have at our disposal, including those provided for in Chapter VI of the Charter of the United Nations. Although it is accepted that many disputes arise from bilateral disagreements, it should be incumbent on the parties involved to explore all available prospects for peaceful resolution, and for the United Nations to be able to play a part in facilitating that solution, particularly in the face of protracted disagreements for which all reasonable approaches have not been fully exploited.

My delegation remains convinced that combined action at the bilateral, regional and multilateral levels remains the best course of action for conflict resolution, and that the Council should be prepared to engage on all fronts before resorting to Chapter VII mechanisms or to individually undertaking unilateral action. We would therefore join those who argue, for example, for a greater use by the Council of the advisory opinions of the International Court of Justice in the course of its deliberations. Creating more strategic partnerships with regional organizations could also prove useful.

My delegation's argument for greater reliance on measures in Chapter VI of the Charter is not advocated in a vacuum or to the complete exclusion of those provided for under Chapter VII. We must, however, continue to find a way to ensure that sanctions achieve their intended objectives and, given their legally binding nature, are fully respected by Member States. To that end, we would propose that the adoption of draft resolutions imposing new sanctions also continue to coincide with the organization of briefings of Member States, as well as the possible publication of more user-friendly information on the main features of the proposed sanctions regime. We believe that would increase the chances for better awareness among national stakeholders of the importance of compliance and their appreciation of it. The prospects for assistance to Member States to support implementation should remain a viable option, and would necessitate the provision of the requisite resources for that to be undertaken in a sustained manner.

In conclusion, let me assure the Council of Jamaica's unswerving commitment to the maintenance

of international peace and security, and to upholding international law in pursuit of that common objective.

The President: I now give the floor to the representative of Argentina.

Mr. Fernández Valoni (Argentina) (*spoke in Spanish*): At the outset, I would like to commend the Republic of Poland for organizing this debate, and to welcome the presence of President Andrzej Duda this morning. I would also like to thank the Chef de Cabinet of the Secretary-General, the President Emeritus of the International Court of Justice and the President of the International Residual Mechanism for Criminal Tribunals for their briefings.

Argentina reaffirms its strict adherence to international law and to the purposes and principles of the Charter of the United Nations in particular, and implements its international policies accordingly in the belief that multilateralism is essential to international peace and security.

That is why we welcome the initiative of the Polish presidency of the Security Council in organizing today's debate, which coincides with the seventieth anniversary of the International Law Commission and the twentieth anniversary of the Rome Statute of the International Criminal Court. At a time when we are seeing frequent challenges to international law, we want to reaffirm the importance of ensuring that the Council duly considers the legal aspects of the situations it deals with in discharging its great responsibility under the Charter of the United Nations.

Argentina reiterates the cardinal importance of the principle of the peaceful settlement of international disputes and maintains that any method for the peaceful settlement of disputes is equally valid for resolving conflicts. It is only through such methods that just and lasting solutions can be secured. In the framework of the Charter, the International Court of Justice plays a central role as the principal judicial organ of the United Nations. In addition to the Court, we note the role of other courts specializing in particular branches of international law, such as the International Tribunal for the Law of the Sea.

Negotiation is the primary means of resolving disputes. In that context, my country stresses the importance of ensuring that the parties to disputes comply in good faith with the calls for negotiations made by United Nations bodies, including the General Assembly, in order to help to settle them peacefully. Whenever the organs of the Organization, particularly the Assembly, call on the parties concerned to negotiate, those parties should do so in good faith, refraining from any action that could undermine their obligation to resolve the conflict by peaceful means. States outside a dispute should also refrain from conduct that could sabotage a peaceful settlement. Among the means of peaceful settlement available to the Organization and its Member States we also note that the Organization can entrust the Secretary-General with exercising his good offices. Whether that or any other means of peaceful settlement can achieve its aims and purpose depends on the fulfilment in good faith of the obligations incumbent on the parties concerned.

We agree with the idea expressed in the concept note for the debate (S/2018/417/Rev.1, annex) emphasizing the importance of the fight against impunity and of ensuring accountability for the most serious violations of international law, and we want to highlight the central role that the International Criminal Court can play in that context. Given that States have the primary responsibility for judging the responsible parties, it is important that States parties to the Rome Statute abide by the necessary standards to that end. It is also crucial to ensure that all States cooperate with the Court. In that connection, I want to underscore the historic importance of the decision taken in December 2017 by the Assembly of States Parties on activating the Court's jurisdiction over the crime of aggression, which marks the end of a long road that goes back to Nuremberg and completes the legal edifice provided for in the Statute.

Accountability mechanisms have an important preventive role to play. That is why the Security Council must strengthen its commitment to fighting impunity for such crimes. We reiterate the importance of an effective follow-up by the Council to its referrals to the International Criminal Court, as well as the possibility of recourse to the International Humanitarian Fact-Finding Commission, as provided for in the Additional Protocol I to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts.

Lastly, I would also like to stress the importance of respect for due process in the Council's own work in its Sanctions Committees. That is why Argentina is in favour of extending the role of Ombudsman to all Sanctions Committees. We also wish to echo the concern expressed about the issue of notifications

under Article 51 of the Charter, in which the Council should ensure greater transparency on its follow-up to such communications.

The President: I now give the floor to the representative of Norway.

Ms. Stener (Norway): I have the honour to speak on behalf of the five Nordic countries, Denmark, Finland, Iceland, Sweden and my own country, Norway. Today is Norway's national day. We are celebrating more than 200 years of our Constitution, adopted in 1814, which is why my colleagues and I are wearing our national costumes.

We welcome this timely initiative by Poland, because respect for and the promotion of international law are crucial to preserving peace, human rights, sustainable development and lasting access to the global commons.

Russia's illegal annexation of Crimea and the continued conflict in eastern Ukraine underline the importance of today's debate. So do the blatant violations of international humanitarian law and the widespread abuses of human rights law in some current armed conflicts, including the horrific use of chemical weapons in Syria. There can be no impunity for such acts. Under the Charter of the United Nations, the Security Council has the primary responsibility for maintaining international peace and security. With that come vast responsibilities.

First, the Charter sets out an obligation to resolve disputes by peaceful means. The Council should use the full potential of Chapter VI, which contains rules for the peaceful settlement of disputes. The early and swift Council response to the crisis in the Gambia last year helped to prevent a potential outbreak of violence. The collective security system worked, and the rules-based international order was upheld.

Secondly, the Council should show unity in giving full support to mediation efforts and good offices. We welcome the Secretary-General's initiatives for strengthening conflict prevention and mediation. We also urge the Council to make consistent efforts to implement the women and peace and security agenda, which has the potential to help restore peace and security in conflicts and prevent violations of international humanitarian law and human rights law.

Thirdly, the Council acts on behalf of all Member States, and must do so in accordance with the Charter. The use of the veto to protect narrow national interests in situations of mass atrocities is not in line with the spirit of the Charter. We urge all Governments to join the code of conduct of the Accountability, Coherence and Transparency group regarding Security Council action against genocide, crimes against humanity and war crimes, as well as the Political Declaration launched by France and Mexico on the suspension of veto powers in cases of mass atrocity.

Fourthly, regional organizations have a key role to play in preventing conflict and settling disputes at a regional level. The Council should make full use of Chapter VIII of the Charter and encourage the settlement of disputes through regional arrangements. In that context, we welcome the regular meetings between the Council and the African Union Peace and Security Council.

Fifthly, judicial bodies such as international courts help to resolve disputes and uphold international law. The International Court of Justice continues to play a important role in this area as the principal judicial organ of the United Nations. In addition, all States have a duty to investigate and prosecute the alleged perpetrators of atrocity crimes. Situations where States are unable or unwilling to prosecute should be referred to the International Criminal Court.

Lastly, we welcome the Secretary-General's commitment to the Human Rights Up Front initiative and to making use of the early-warning tools at his disposal.

Mr. Mounzer (Syrian Arab Republic) (*spoke in Arabic*): I will not waste the Council's time replying to all those who have abused this meeting to push the so-called International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011.

We have sent many letters to the Secretary-General, as have many other countries, pointing out that the establishment of that mechanism is a flagrant violation of international law and a deliberate distortion of the law's provisions. We would like to recall here the truth that reveals the malicious goals behind that murky mechanism's establishment. Among the countries that support it are some that have been financing the Al-Nusra Front terrorist organization; some that are home to financial institutions that facilitate money-

laundering for financing terrorism; and some that, along with their intelligence agencies, have been implicated in the creation of the foreign terrorist fighter phenomenon and have facilitated their funding, training and entry into Syria and Iraq.

My delegation has studied the concept note (S/2018/417/Rev.1, annex) by the Permanent Representative of Poland carefully. We affirm that its contents could be a guide for us and our work if the Governments of the world adhered to it without double standards or selectivity. In that case we could avoid many conflicts and halt various acts of aggression and oppression, and would be able to guarantee the implementation of international law and maintain international peace and security.

Syria is enduring the seventh year of a terrorist war that was imposed on us. We have a real stake in a peaceful settlement led by Syrians without external or foreign intervention, through diplomacy, negotiation, good offices and mediation. My Government is participating seriously in every initiative that seeks to achieve a sustainable solution to the crisis. However, we cannot ignore or deny the truth that we now live in a politically polarized world because some Governments believe that political, military and economic power gives them the right to determine the fates of other peoples.

Most countries in this Organization, however, believe in the rule of law at the international and national level, without double standards or selective measures. They believe that international relations must be governed by respect for national sovereignty, cooperation, partnership and development for all so as to prevent conflicts and maintain international peace and security. This meeting is an important opportunity to assess the position of international law in the framework of the maintenance of international peace and security. However, that requires us to be serious about upholding the rule of law, guaranteeing equality for all and ending hotspot issues around the world. It also requires us to be serious about ending all forms of aggression and occupation, as well as attempts to abuse international law or distort its concepts in order to interfere in the domestic affairs of States.

We are true believers in the concept note's positions. The Security Council must shoulder its responsibility by working for the peaceful settlement of conflicts. Respect for international obligations and the rule of law must be shown by responding effectively to violations of international law, and we believe that the Council has the necessary tools to achieve those goals. However, noble goals and theories are one thing and reality is another, and there are so many examples to prove that. The Palestinian people and the Syrians under Israeli occupation have been waiting for more than 50 years for the Council to implement the resolutions of international legitimacy that would put an end to their brutal occupation. But the reality is that permanent Member States of the Council are obstructing that implementation, providing cover for the Israeli occupation to expand its settlement activities and displace and kill Palestinians while the world watches.

The Council has been unable to fulfil its mandate when it comes to holding the racist terrorist entity of Israel accountable. Just two days ago Israel brutally killed 60 defenceless civilians and injured more than 3,000 others. The Syrian people are still waiting for the Council to fulfil its mandate with respect to the aggression of the so-called global coalition to defeat the Islamic State in Iraq and the Levant led by the United States against our sovereignty and unity. We are also waiting for it to respond to the aggression by Turkey, the continued aggression by Israel, and the tripartite act of aggression against Syria on 14 April by the United States, the United Kingdom and France.

However, the reality is that some permanent members have been able to render the Council unable to act. It has not even been able to release a statement of condemnation because some of its members are accomplices in those crimes of aggression and have abandoned their responsibility for maintaining international peace and security. The peoples of the world, and the Syrian and Iraqi peoples in particular, are waiting for the Council to fulfil its mandate to hold those Governments and their intelligence agencies accountable for creating the monster of foreign terrorist fighters, who are still killing thousands of innocent Iraqi and Syrian civilians. However, the reality is that some in the Council are obstructing the implementation of resolutions established under Chapter VII that provide for holding to account all those implicated in the influx of foreign terrorist fighters to Syria and Iraq.

In conclusion, now more than ever the credibility of the United Nations and the Security Council is being put into question by the conscience of the peoples of the world. If we truly seek to restore that credibility and the role of the United Nations, the path is crystal

clear and the tools are available. All that remains to be done is for some Governments to show a genuine, sincere and serious will to bring their practices in line with the purposes and principles of the Charter and the provisions of international law.

The President: I now give the floor to the representative of Uruguay.

Mr. Bermúdez Álvarez (Uruguay) (*spoke in Spanish*): At the outset, I would like to commend the President of the Council for choosing this subject as the topic for one of the open debates during the Polish presidency for the month of May.

The United Nations came into existence in 1945 with the aim of achieving world peace and agreeing on a union of States that, through friendly and cooperative relations, would resolve their conflicts using peaceful means. The Charter of the United Nations established a series of principles to guide relations between the States and joint bodies to advance the achievement of the Organization's objectives. The Security Council was created as part of its organic system and tasked with safeguarding international peace and security. In that regard, Article 24 of the Charter establishes that

> "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

The Charter thus gives the Council responsibility for the maintenance of peace and security, which must be fulfilled within the framework of international law and with respect for the principles it establishes. The most basic principle in the system that we have created is refraining from resorting to the threat or use of force against the territorial integrity or political independence of any State. International peace is also maintained through the peaceful settlement of disputes, as the Charter indicates. In that area, we should strengthen relations with the International Court of Justice, the judicial organ of the United Nations charged with resolving disputes. That is the arena that the Security Council should use to promote the settlement of disputes, especially legal ones, when other means such as negotiation or mediation have proved ineffective.

Uruguay, as a member of the Accountability, Coherence and Transparency group, advocated for transparency in the work of the Security Council during the period when it had the honour of being one of its non-permanent members. We therefore always stress the need for, and act in such a way as to uphold, such transparency.

In keeping with the responsibility conferred on it, the Security Council must strive to ensure respect for human life in situations where conflict could not be averted, through resolutions aimed at ensuring respect for humanitarian law, and impose sanctions when necessary.

Along the same lines, the Security Council should resort to the special international tribunals, and, in compliance with the mandate set out in the Statute of the International Criminal Court in its article 13 (b), play a more active role in the prosecution of crimes against humanity, war crimes and genocide, as well as the crime of aggression, which will now be covered. Under this mandate, as appropriate, the Council must refer allegations of such crimes to the International Criminal Court and undertake the relevant investigations, prosecuting and punishing perpetrators and combating impunity. The Security Council could also, through a resolution, request the Prosecutor not to initiate or defer an investigation, as provided for in article 16 of the Statute.

On this point, unfortunately, much has been said about attributing criminal responsibility to perpetrators — widely known as accountability — but very little has been done. We should give thought to the deterrent effect that a functioning, effective international criminal-justice system would have on potential perpetrators and warlords.

The international community can safeguard peace by maintaining a balance that depends on every one of its member States and by upholding the legality emanating from this Organization — a common body of law that differs from States' domestic legislation and consists of compliance with international norms or derives from certain generally accepted and practiced behaviours.

We are currently witnessing a worrisome trend of many Member States' non-compliance with Security Council resolutions, reflecting a lack of or weak adherence to the international law emanating from that body and the system as a whole. In abiding by these norms, account should be taken of the scope of action

and functions of the Security Council, which must not overstep its mandate. We must not lose sight of the principles of non-intervention and self-determination in dealing with internal conflicts. The Council must act using the means and within the scope established in the Charter, and, when the conditions and situation demand it and in adopting measures, it should particularly bear in mind the principle of proportionality.

As has been noted, Council resolutions should bolster as well as be motivated by and focused on the protection of human beings and the strict observance of international humanitarian law and international human rights law.

In a situation such as this, where we are trying to strengthen preventive action by various means, the Security Council can use all the available tools granted to it to maintain peace. Perhaps we should try to find new and imaginative ways to achieve this by promoting fresh forms of dialogue that start right here in the Security Council itself. Uruguay believes that the time has come for a change of pace in the work of the Security Council, which, without abandoning its focus on legality or overstepping its mandate, could become more unified and effective in a framework of respect for all and on the basis of all the guiding principles set out in the Charter, which gave rise to the Organization.

The President: I now give the floor to the representative of Kenya.

Ms. Grignon (Kenya): I would like to commend the Polish presidency for the manner in which it has steered the work of the Council for the month of May. We welcome the convening of this meeting, which focuses on an important subject that has not been given the centrality it deserves, and we are grateful for the concept note (S/2018/417/Rev.1, annex). I would also like to recognize and thank the briefers for their statements this morning.

The delegation of Kenya aligns itself with the statement to be delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

I reaffirm Kenya's commitment to the rule of law and to the principles enshrined in the Charter of the United Nations, which guarantee the sovereign equality of States and the peaceful resolution of disputes. I would also like to reaffirm that international law is essential in addressing the challenges to peace and security on the global agenda.

My delegation proposes four measures that the Security Council could take to strengthen and uphold international law.

First, on the guarantee of equality of States in the application of international law, my delegation wishes to emphasize that in order to strengthen respect for and acceptance of international obligations critical to the maintenance of international peace and security, there should be fairness, uniformity and consistency in the application of international law by the Council.

International law is a product of political interactions between States. Member States should not allow individual political interests to override the collective commitments to international solidarity, peace and security. A politically skewed application of international law erodes the foundations of a rules-based international system and multilateralism and brings into question the credibility of the Council.

The application of international human rights law and international humanitarian law must also be equally regulated within acceptable norms. The alternative has proved to be an even greater threat to international peace and security as compared to the traditional drivers of conflict.

We are seeing violations at the international level under the cloak of the maintenance of international peace and security. A reformed Security Council would ensure that the Council is a master of its own mandate. Kenya is an active participant in the African Union Committee of Ten Heads of State and Government, aimed at spearheading the security reform process, because we believe that the Security Council should be inclusive.

Secondly, with regard to respect for national ownership, the Council, in maintaining international peace and security, could better uphold international law without undermining national ownership and sovereignty. The actions and interventions of the Council should support national efforts in political, legislative, judicial and institutional reform programmes, including national healing and reconciliation aimed at upholding international law. This is particularly important for delicate reform processes and politically sensitive transitions in conflict-affected countries or in countries emerging from conflict.

The Council should strive to find the right balance on how to offer support for national efforts while addressing impunity and violations of international human rights law and international humanitarian law. Strengthened national legal and institutional frameworks are preventive tools that can enhance national ownership and sovereignty and allow countries to exercise their respective sovereign right and responsibility to guarantee justice, peace, security and development for their own citizens. The principle of complementarity should always be upheld and given first priority. We should invest more in efforts to promote the peaceful settlement of disputes.

We recognize the value added by international jurisprudence platforms, in particular the International Court of Justice, which has proven its important role in settling disputes between States. However, the Council has referred parties to the Court only once, in 1947. The Council should look into ways on how to objectively use that platform, given the increasing inter-State tensions we face, with their tragic implications for regional and international peace and security.

The process of upholding international law should be more sensitive and objective, especially in connection with national realities on the ground. Unilateral economic sanctions should not be applied in situations where they are counterproductive or contradictory to continued support for sustainable peace and sustainable development, specifically the implementation of the 2030 Agenda for Sustainable Development.

My third point concerns partnerships. The Security Council should pay closer attention to the regional dimension of peace processes. The Council is a meaningful partner of regional and subregional mediation mechanisms. That partnership needs to be strengthened, because regional and national actors are usually the immediate responders in averting situations that could easily escalate into critical conflicts. The Council therefore should trust more, for example, in Africa's ability to understand its realities, and especially its ability to act in the best interests of its peoples and countries.

Partnership with regional and subregional organizations can ensure that the Council is part of a multilateral mechanism that ensures the peaceful settlement of disputes everywhere. The Council may wish to partner more robustly with other organs and subsidiary bodies of the United Nations system, including the General Assembly, the Economic and Social Council and the Peacebuilding Commission, so as to ensure that conflict prevention and the sustainability of peace and development are upheld. In particular, such partnership should create space for the role of the General Assembly in international peace, particularly when the efforts of the Security Council fail to guarantee it, as has been the case on many recent occasions.

Lastly, it has been 15 years since the Council held its first thematic debate on the rule of law (see S/PV.4835). Since then, there have been several debates, presidential statements, reports of the Secretary-General and resolutions that in various ways address the importance of supporting and strengthening the rule of law and justice as indispensable elements in conflict prevention and the maintenance of international peace and security. Additionally, conclusions have been drawn regarding the importance of an integrated approach and the coherence of political, security, development, human rights and rule-of-law activities.

However, as the concept note rightly observes, despite the strong positions and commitments expressed, violations of international law and insufficient implementation of Security Council resolutions persist, with an adverse impact on international peace and security. Member States should therefore support the Council's efforts for the peaceful settlement of disputes, in accordance with Chapter VI of the Charter, in genuine partnership with the Council.

Kenya is a proud member of the community of nations that has contributed immensely, despite its limited resources, to the achievement of peace, security and multilateralism. We remain committed to the maintenance of international law to address current global challenges and realities on the ground. To that end, we expect genuine international cooperation and partnerships.

The President: I now give the floor to the representative of Morocco.

Mr. Rabi (Morocco) (*spoke in French*): I would first like to commend the Polish presidency for convening this open debate, which addresses a subject central to our multilateral work, particularly within the Security Council.

Thanks to international law, which has been established and strengthened over the years, peace,

security and stability prevail in the majority of countries of our world today. To take stock of the importance of international law, let us imagine, for a moment, that our world existed without it. Chaos would reign supreme everywhere. We would see wars everywhere. We would would still be in the era of the law of the jungle, defined by some philosophers as the survival of the fittest. We must therefore welcome the success that international law has guaranteed us.

Clearly, international law is not respected everywhere. It is unfortunate to have to note that while old conflicts continue, new ones are emerging in which international law is constantly trampled. Accordingly, the Charter of the United Nations must maintain its primacy. Its purposes and principles must guide the actions of States and the international community. It is incumbent on us to respect and protect the sacrosanct principles enshrined in the Charter, namely, the sovereignty, territorial integrity and national unity of States.

Moreover, respect for international law is predicated on the adoption of a comprehensive and multidimensional approach based on the primacy of the law in all aspects of international relations, particularly through respect for the Charter. In that regard, particular attention must be paid to the peaceful settlement of disputes through dialogue, negotiation and mediation. Furthermore, warring parties in conflicts are obligated to respect international law, in particular international humanitarian law and international human rights law, as they guarantee the protection of civilians.

For its part, the international community should invest more in conflict prevention, particularly by strengthening States' capacities in the areas of democracy and the rule of law. To that end, it is essential that States be provided with the national mechanisms enabling them to promote and protect human rights and establish democratic, transparent, legitimate and credible institutions able to meet the needs of the people in all aspects of daily life. The goal is to guarantee the principles of accessible, effective and equitable justice, ensure respect for the law based on equality, protect individuals and allow them to exercise their political, economic, social and political and cultural rights effectively.

In conclusion, I reaffirm the Kingdom of Morocco's strong commitment to a multilateralism that respects the rules and principles of international law. In that regard, Morocco remains engaged with the United Nations as the legitimate and representative Organization and the appropriate framework within which to pursue collective efforts to establish an international society that enjoys peace, security, sustainable development and respect for human rights.

The President: I now give the floor to the representative of Austria.

Mr. Kickert (Austria): Austria aligns itself with the statement delivered earlier by the observer of the European Union.

We would like to thank Poland for convening this open debate, as Austria strongly believes that a rules-based international system with clear and predictable rules is an indispensable precondition for lasting peace and development. We call on all Member States to actively promote an international order based on international law and the rule of law, with the United Nations at its core.

The President has asked us to consider what can be done, in concrete terms, to improve the state of respect for international law in three main areas.

Regarding the first area — the peaceful settlement of disputes — we call on all Member States to accept, without reservations, the compulsory jurisdiction of the International Court of Justice, in accordance with Article 36 of the Charter of the United Nations. Crucially, we must also work much harder to prevent violence and conflicts in the first place. One way to do so is to enhance capacities for early warning and response, as well as national expertise in mediation and preventive diplomacy. Austria is working with partners, for example, with the Economic Community of West African States, as well as the Intergovernmental Authority on Development, in that regard.

The United Nations must also do more to support Member States in implementing the rule of law and related elements of the 2030 Agenda for Sustainable Development. The Security Council has often reaffirmed that justice and the rule of law are fundamental building blocks of conflict prevention and resolution and sustainable peace. The Security Council, in cooperation with the United Nations system, must therefore ensure that peacekeeping operations have the necessary resources to deliver justice and promote respect for the rule of law and human rights, including in the transition to United Nations country teams.

Secondly, we must do much more to ensure compliance with international law during conflicts. The intergovernmental process within the International Committee of the Red Cross to strengthen respect for humanitarian law and the good offices of the International Humanitarian Fact-Finding Commission under Article 90 of the Additional Protocol I to the Geneva Conventions are important tools in that regard. As Chairperson-in-Office of the Organization for Security and Cooperation in Europe last year, Austria was able to contribute to the initial activation of the International Humanitarian Fact-Finding Commission, in connection with an incident on 23 April 2017 in eastern Ukraine.

We emphasize that our collective response to threats to international peace and security must be guided by the rule of law. When it comes to Security Council sanctions, fair and clear procedures, including an independent mechanism for review, are a prerequisite for the legitimacy of sanctions and compliance with them. Austria urges the Secretary-General to exercise his prerogative by swiftly appointing an Ombudsperson for the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015), concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, in accordance with resolution 1904 (2009), a post that has been vacant for more than nine months now. The longer that vacancy lasts, the more likely it is to undermine trust and confidence in Security Council sanctions and jeopardize progress made over many years in establishing and implementing fair and clear procedures.

Austria urges the members of the Security Council to refrain from using the veto to curtail Council action where it could prevent or stop violence or conflict, in accordance with the purposes and principles of the Charter. Austria therefore supports the code of conduct of the Accountability, Coherence and Transparency group, as well as the initiative by Mexico and France in that regard. We also hope that open debates such as this one, or Arria Formula meetings, can be further utilized.

As to the third main area on which we are asked to comment, Austria believes that accountability and the fight against impunity for violations of human rights and humanitarian law are central to rebuilding post-conflict societies and sustaining peace. Austria is a strong supporter of the International Criminal Court (ICC), and we call on the Security Council to refer the situation in Syria to the ICC and to ensure cooperation and follow-up in situations it has already referred to the Court.

Austria supports the International, Impartial and Independent Mechanism for the Syrian Arab Republic and the Commission of Inquiry, which document violations of human rights and international humanitarian law and gather evidence in view of future legal action. With regard to the Investigative Team to support domestic efforts in Iraq to hold Da'esh accountable, it is the duty of the Security Council to ensure that it will operate impartially and in accordance with international human rights standards. Austria would also like to highlight that, as of 17 July, the twentieth anniversary of the Rome Statute, the ICC's jurisdiction over the crime of aggression will be activated, which will contribute to upholding international law within the context of the maintenance of international peace and security.

In conclusion, I would like to stress that our efforts to promote international law and the rule of law do not serve an abstract goal, but the protection of the rights and interests of every individual. Austria, including in its role as coordinator of the Group of Friends of the Rule of Law, will continue to give the utmost priority to that subject.

The President: I now give the floor to the representative of Djibouti.

Mr. Doualeh (Djibouti) (*spoke in French*): Djibouti congratulates the delegation of Poland on convening this important open debate on the crucial issue of upholding international law within the context of the maintenance of international peace and security.

The bloody news of the past few days proves, if proof were needed, the vital nature of upholding international law. Under the false pretext of legitimate defence, Israel has systematically resorted to the use of brutal and excessive force and violated international law and the human rights of the Palestinians systematically and with impunity.

We express our deep gratitude to our briefers, especially Judge Hisashi Owada, Senior Judge of the International Court of Justice, who will soon retire after many fruitful years in the service of promoting international law. We applaud his dedication and reiterate our best wishes to him for the future.

(*spoke in English*)

Consistency and the full implementation of Security Council resolutions are critical to the maintenance of international peace and security. Regrettably, Eritrea, a neighbour of ours, continues to cynically defy all Council resolutions. My country continues to face the threat to international peace and security that has been created by Eritrea's unlawful use of force against us, the occupation of Djiboutian territory by Eritrean military personnel and the refusal of Eritrea to account for Djiboutian prisoners of war captured in 2008. Threats of force continue to emanate from the Eritrean side, and the risk of violent confrontation is once again high.

There is an urgent need for a dispute-settlement mechanism. We would prefer that the dispute be referred to judicial settlement or arbitration by mutual agreement. The result of either means of settlement would be a legally binding judgment or award based on international law, which would assure both parties of a fair process and an equitable settlement that fully, finally and permanently resolves their dispute.

In response to the President's request to make specific contributions today, Djibouti would like to humbly submit the following observations.

The first measure we advocate is encouraging disputing parties to submit their dispute for binding judicial or arbitral settlement. There is precedent for that. The Security Council did so in 1947, and the Court rendered the judgment that resolved the dispute. Remarkably, since then the Council has been reluctant to encourage States to submit their disputes to the International Court of Justice for arbitration. There is no good reason for such reluctance. Ironically, under the League of Nations, the Council frequently encouraged States to submit their disputes to the Permanent Court of International Justice, the predecessor of the International Court of Justice.

Some States on the Council might be reluctant to interfere with the principle of consent. Under that principle, no State may be compelled to submit to the jurisdiction of a court or arbitral tribunal without first giving its consent. That is in recognition that each State is sovereign. However, there is no reason to be concerned here. The Security Council would not be compelling any State to go to court or arbitration. Rather, it would be using its influence to have disputing States consent to it. That is an effective means of resolving disputes that, if left unresolved, may constitute threats to international peace and security.

The second point concerns requesting the Secretary-General to use his good offices to have the parties agree to judicial settlement or arbitration. As an alternative to working directly with the disputing parties, the Security Council can request the intervention of the Secretary-General and the use of his good offices to help the disputing parties agree on the settlement of their dispute by one of the means listed in Article 33, including judicial settlement or arbitration. More use could certainly be made of the good offices of the Secretary-General.

Third is greater use of the advisory jurisdiction of the International Court of Justice. On numerous occasions, the General Assembly has requested the Court to issue advisory opinions on the legal aspects of disputes, with the objective of assisting the Assembly in exercising its role of promoting peaceful settlements. The Security Council has requested an advisory opinion from the Court on only one occasion. Nevertheless, that is an important precedent. The Council could make greater use of its power to request advisory opinions in order to promote peaceful dispute settlement in accordance with international law.

The fourth point is encouraging the ratification of international human rights and humanitarian rights treaties without reservations. Participation in the world's most important human rights and humanitarian rights treaties is still not universal. A number of States still have not ratified major conventions, or have ratified them subject to reservations excluding themselves from the treaties' dispute-settlement provisions. The Security Council could engage in a campaign to achieve universal acceptance on the part of those treaties and encourage States not to exclude themselves from the dispute-settlement provisions, or to encourage States that have already excluded themselves to remove their reservations. Those treaties include the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention relating to the Status of Refugees and the Convention on the Elimination of All Forms of Discrimination against Women, and so forth.

Fifth is promoting judicial recourse under international human rights and humanitarian rights treaties. Where a State is responsible for horrendous

human rights abuses, such as Myanmar in its campaign against its Muslim Rohingya population, the Security Council could consider encouraging one or more States that are parties to the same conventions as Myanmar to invoke their rights under the dispute-settlement provisions of the conventions to bring Myanmar before an international court or arbitral tribunal.

My sixth and last point is encouraging States to accept the jurisdiction of the International Court of Justice. More than 70 States have voluntarily submitted declarations accepting the jurisdiction of the International Court of Justice under its so-called optional clause, Article 36, paragraph 2, of the Statute, vis-à-vis other States that have made similar declarations. That is still a minority of States, however. The Security Council could encourage other States to accept the Court's jurisdiction. That would not violate the principle of consent, because there would be no compulsion, and submission to the Court's jurisdiction would be entirely voluntary.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Perera: I would like to express our sincere congratulations to the Polish presidency of the Security Council for convening today's timely debate on upholding international law within the context of the maintenance of international peace and security. I also want to express our profound appreciation for the insightful briefings delivered earlier today by Judge Hisashi Owada, Senior Judge and President Emeritus of the International Court of Justice, and Judge Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals.

Today's debate takes place at a crucial time, when strengthening and invigorating collective measures for the maintenance of international peace and security have become imperative. The fabric of the global order is increasingly coming under threat with the rise in flashpoints, conflicts and the spread of the spectre of terrorism and violent extremism. It is therefore vital that Member States forge new and innovative partnerships in the context of preserving international peace and security. In doing so, Governments must act under the imprimatur of the law — the foundation upon which a peaceful, equitable and prosperous international community is built. It must therefore be the common responsibility of all Member States to strengthen the international order based on respect for international law.

If we are to strengthen international law amid such challenges, we must ensure that there is equality before the law and a guarantee of the independence of international judicial mechanisms, and that legal remedies remain accessible to the most vulnerable among us. It is vital that all States have an equal opportunity to participate in the international law-making process. That is the essence of the evolution of modern international law from its classical origins as a law that governed only a limited community of States prior to decolonization. It is also a principle that protects all States, especially developing countries, from the harshness of an empirically unequal world.

Upholding international law within the context of the maintenance of international peace and security requires absolute adherence to Article 2 of the Charter of the United Nations, namely, to the core principles of the sovereign equality of States and non-interference, the prohibition of the threat or use of force and the obligation to settle international disputes through recourse to peaceful methods of dispute settlement, as prescribed in Article 33 of the Charter.

The efficacy of international law in preserving international peace and security would require the achievement of a global consensus, which must factor in the hopes and aspiration of all States and not just those of a select few. Historically, the General Assembly and its legal committee, the Sixth Committee, have provided a platform for the effective and equitable participation of all States in the international norm-creating process.

Earlier today Judge Owada drew our attention to another vital aspect and clearly underlined the importance of the organs of the United Nations acting in concert within their respective areas of functions, as stipulated in the Charter. Their synergies must be harnessed in achieving our collective goal of maintaining international peace and security.

In today's world, disputes that threaten the international order have complex political and legal dimensions. In addressing such issues, key organs of the United Nations — the Security Council, the General Assembly and the International Court of Justice — can make a collective contribution and strengthen international peace and security.

The contribution that the International Court of Justice has made over the years in the field of the maintenance of international peace and security has been invaluable. I want to refer particularly to the advisory opinion of the Court on the question of the *Legality of the threat or use of nuclear weapons* (A/51/218, annex). Greater recourse to the advisory jurisdiction of the Court in addressing critical and complex issues with both political and legal ramifications is an option that could be usefully pursued in matters relating to international peace and security. As Judge Owada pertinently observed during today's debate, in exercising its advisory jurisdiction, the Court is expressing "an authentic legal opinion" in order to clarify legal issues to the other organs of the Organization.

Let me also take this opportunity to appeal to Member States to recognize the invaluable work of the main legal organ of the United Nations, the International Law Commission, as it celebrates its seventieth anniversary here in New York, and to pay tribute to its invaluable contribution over the years in the codification and progressive development of international law. Its pioneering work on the draft code of offences against the peace and security of humankind and on the draft statute of an International Criminal Court was path-breaking, and set the pace for the current developments in the area of international criminal responsibility. Items on its current agenda, such as universal jurisdiction, the immunity of State officials from foreign criminal jurisdiction and the issue of genocide, are of particular significance in that regard.

In conclusion, Sri Lanka wishes to draw the attention of the Council to the challenges faced by developing States in their full and effective participation in the multilateral treaty-making process. That is an area where the United Nations can and must play a crucial role, in particular by assisting States with capacity-building, thereby contributing to the universality of international lawmaking.

The President: I now give the floor to the representative of Azerbaijan.

Mr. Aliyev (Azerbaijan): At the outset, I would like to thank the Government of Poland for convening today's important open debate.

Current challenges to peace and security facing the world call for a strengthening of the international legal order and redoubled efforts at all levels to prevent and resolve conflicts. Strict compliance with the generally accepted norms and principles of international law guiding inter-State relations is imperative to that end. International law requires not just an outcome that prevents or resolves conflicts; it requires that the outcome be accompanied by a process that is consistent with particular norms.

In that context, it is important that frameworks and mechanisms for conflict prevention and conflict settlement not be used as a tool to entrench situations resulting from the unlawful use of force, war crimes, crimes against humanity, acts of genocide or ethnic cleansing. It is also critical that the international community consistently and overwhelmingly oppose and reject any attempts to cover up or consolidate aggression and other illegal acts by misinterpreting international legal norms and principles.

Serious breaches of obligations under general international law give rise to special consequences, among other things, the duty of States to cooperate in order to end a serious breach by lawful means and not to recognize as lawful a situation created by such a breach nor render aid or assistance in maintaining that situation.

Furthermore, apart from preventive efforts and the peaceful settlement of disputes and conflicts as early as possible, an effective deterrent is undoubtedly to ensure a speedy end to impunity for violations of international law, including international humanitarian law and human rights law. Unfortunately, in some situations of armed conflict, including those of a protracted nature, wrongs left unpunished and unrecognized continue to impede progress in achieving long-awaited peace and reconciliation.

Special attention should be given to the implementation of resolutions adopted by the principal organs of the United Nations, in particular those relating to the peaceful settlement of disputes and conflict prevention and resolution. It is unacceptable and intolerable that the territories of Member States remain under unlawful military occupation and that deliberate actions aimed at changing their demographic composition and cultural character along racial, ethnic or religious lines continue, Security Council resolutions notwithstanding. The established principle of the inadmissibility of the use of force for the acquisition of territory and the ensuing obligation of

non-recognition of situations resulting from serious violations of international law must be applied and enforced universally and unconditionally.

Azerbaijan's consistent position with regard to the issue under consideration is well known and stems, among other factors, from its experience from facing armed aggression, ethnic cleansing and unlawful foreign military occupation. In its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), the Security Council acknowledged the fact that acts of military force were committed against Azerbaijan, that those acts were incompatible with the Charter of the United Nations and that they constituted violations of the sovereignty and territorial integrity of my country. In accordance with international law and the resolutions I have just mentioned, the political settlement of the conflict and the achievement of durable peace, security and stability must be based on the immediate, unconditional and complete withdrawal of the occupying forces from the Nagorno Karabakh region and other occupied territories of Azerbaijan, the restoration of the sovereignty and territorial integrity of my country and the exercise by internally displaced Azerbaijanis of their right of return to their homes and properties in safety and dignity.

The duties under concrete policies and actions in that connection can in no way be replaced with half-measures introduced as a compromise or used as a bargaining chip in the conflict-settlement process. The fulfilment in good faith of the obligations assumed by States, good-neighbourly relations based on full respect for the sovereignty and territorial integrity of States and the inviolability of their international borders are necessary prerequisites for the maintenance of international and regional peace and security and are at the core of economic cooperation.

The President: I now give the floor to the representative of Lebanon.

Ms. Mudallali (Lebanon): I would like to congratulate Poland on its assumption of the presidency of the Security Council, and to thank the presidency for holding this much-needed debate at a time when we are witnessing an erosion of multilateralism and blatant violations of basic rules and principles of international law, the latest example of which is the brutal killing of civilians in Gaza.

For my country, Lebanon, international law represents the essence of the progress of civilization towards a multilateral rules-based system. The Charter of the United Nations in particular acts as a safeguard of our sovereignty, territorial integrity and independence, which is why it is important to fully and strictly adhere to it. The key words here are "full implementation" and "compliance".

First, Security Council resolutions must be fully implemented and bind all Member States. It is the responsibility of this organ, which is entrusted with the maintenance of peace and security, to ensure full respect for its resolutions in order for international law to prevail. Let us not forget that Article 24, paragraph 2, of the Charter requires the Security Council to abide by the purposes and principles of the United Nations. Only through faithful respect for those provisions will we avoid double standards and selective application of international law.

Secondly, there must be full compliance with the judgments and advisory opinions of the International Court of Justice, the primary judicial organ of the United Nations and a court of universal character. Justice is a strong guarantee for the peaceful settlement of disputes, and the Security Council must use the authority vested in it by Article 94 of the Charter to give effect to decisions by the Court.

Lebanon believes that Member States should make full use of the tools set out in Chapter VI to settle their disputes peacefully. I would like to remind the Council of my country's 2016 initiative, based on the Charter of the United Nations and paragraph 10 of resolution 1701 (2006), to seek the good offices of the Secretary-General in the delineation of the disputed maritime border and the exclusive economic zone between Lebanon and Israel. It goes without saying that, absent a resolution, this issue remains a source of conflict that could threaten the peace and security of our region. Lebanon has also reaffirmed its commitment to the rules and principles of international law through its voluntary commitment to the French-Mexican initiative and the Accountability, Coherence and Transparency group's code of conduct, which are both aimed at preventing and halting the commission of mass atrocity crimes.

In conclusion, it remains imperative that we achieve universal, fair and just acceptance of the existing rules and principles of international law, especially the Charter, as well as their full implementation, rather than entering into new treaties. Conversely, in the light of the emerging concepts that are debated at the United Nations, it is fundamental to define them or

clarify their legal basis, so as to prevent or limit their politicization. International law is a precious asset that we must fully protect.

The President: I now give the floor to the representative of Cuba.

Mrs. Rodríguez Camejo (Cuba) (*spoke in Spanish*): We welcome the holding of today's open debate, which is highly relevant in the context of the current state of international relations.

Cuba aligns itself with the statement to be delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

Violating universally recognized principles of international law threatens international peace and security. The threat of the use of force and the unilateral use of force against sovereign States, interventions and actions aimed at imposing regime change and unilateral coercive measures all undermine international law and international peace and security. It is very regrettable that the Security Council, owing to the repeated obstruction of one of its members, has not been able to guarantee respect for international law and international humanitarian law in relation to the Palestinian question, particularly the massacre committed by the Israeli army against a peaceful political demonstration, which left dozens dead and thousands wounded. It is unacceptable that the Council should remain indifferent when unilateral actions are taken, such as the attack by the United States and some of its allies on military and civilian installations in the Syrian Arab Republic on 13 April. Furthermore, ignoring the commitments it has made and showing profound disrespect for international standards, the United States Government has announced its withdrawal from international agreements relevant to humankind.

As nations united, we are responsible for the preservation and defence of international law. Cuba reiterates its firm commitment to respecting international law as enshrined in the purposes and principles of the Charter of the United Nations, such as multilateralism and the international system that we have built within the framework of the United Nations. The principles of international law enshrined in the Charter of the United Nations — essentially, sovereign equality among States; respect for national sovereignty, territorial integrity and the political independence of States; non-intervention in affairs that fall under the domestic jurisdiction of States; refraining from the threat or the use of force; and the peaceful settlement of disputes, as set out in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations — must continue to form the basis of international law and at all times guide the actions of States and the development of the rule of law. Strict compliance with those principles and with international obligations that have been undertaken is the essence of the promotion of international law.

Cuba rejects attempts to apply concepts that are not universally recognized and that some seek to establish as principles of international law, such as limited sovereignty, humanitarian intervention, preventive war and the responsibility to protect in the face of atrocities, which are used to further agendas of domination and to whitewash aggressive actions and interventions.

The promotion and strengthening of international law is based on the recognition of, and full respect for, the sovereign right of peoples to choose their political, economic, social and cultural systems and to create the legal and democratic institutions that are best suited to their sociopolitical and cultural interests, as well as the recognition of those institutions by the international community. Attempts to impose laws and institutions by means of certain preconceived notions hatched in the centres of power, the promulgation and application of extraterritorial laws, the politically motivated exercise of jurisdiction by national or international tribunals, and distortion or double standards on issues of global importance not only undermine existing laws, but make them inapplicable.

Cuba condemns all attempts to supplant or replace national authorities in their efforts to strengthen their respective political, economic and legal systems and the functioning of their institutions. Any United Nations initiative aimed at strengthening national institutions must respect the purposes and principles of the Charter, abide by the framework of the approved mandate, comply with the principles of neutrality, impartiality, State consent, national ownership and should not impose any preconditions or political pressure.

The reform of the United Nations, which is aimed at building a truly democratic and participatory Organization, with a transparent and democratic Security Council and a revitalized General Assembly playing a central role and occupying a pivotal position,

and which supports States in independently building the future that each nation decides for itself, is an essential ingredient in ensuring the preservation of international law.

Both at the national and international levels, systems of norms and institutions are needed to guarantee the full participation of all peoples and every human being in the adoption of decisions that affect them and in the implementation of programmes and policies aimed at promoting and strengthening equity and social justice, as well as the enjoyment of all rights by all peoples and individuals.

Cuba reiterates its unwavering commitment to continuing to work with other Member States and the United Nations to establish a democratic and just international order that responds to the demand for peace, development and justice of the peoples of the world and that guarantees the preservation and strengthening of international law.

We will continue to promote the Proclamation of Latin America and the Caribbean as a Zone of Peace, which was signed in 2014 in Havana at the second Summit of Heads of State and Government of the Community of Latin American and Caribbean States, and which demands that the Member States of the international community fully respect that Proclamation in their relations with the member States of the Community of Latin American and Caribbean States.

The President: I now give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): I want to thank the Polish presidency for holding this open debate on this highly important topic. The multitude of speakers today is testimony to that importance.

Croatia aligns itself with the statement delivered by the observer of the European Union, and I will add some remarks from our national point of view.

Upholding international law and adhering to and faithfully implementing its rules and principles are practices that play an indispensable role in lasting peace and security worldwide and to which we are deeply attached. Negligence and rejection of the rule of law weaken State institutions and undermine their independence, impartiality and effectiveness. Croatia places great emphasis on peace, justice and strong institutions as an inseparable part of all three United Nations pillars. That is as important for peace as it is for development, economic prosperity and human rights.

We believe that all disputes should be resolved through peaceful means and in conformity with international law. In addressing crises across the globe, our focus should be on early warning, prevention and diplomacy. While a consistent approach to conflicts by the United Nations, and in particular by the Security Council, is essential for the Organization's credibility, copied-and-pasted, one-size-fits-all approaches are not the most effective way to proceed. In understanding the situation and risks on the ground, we must above all draw on the knowledge and experience of local populations, neighbouring countries and regional organizations. Respect for the legal traditions of every Member State is an essential part of that.

Croatia believes that when addressing conflicts and crises it is important to have a global, comprehensive approach based on solidarity and a coordinated international effort under strong United Nations leadership. Such an approach would include political, humanitarian, socioeconomic, stabilization and security elements, and reconstruction goes hand in hand with an efficient judiciary and a culture of accountability.

Croatia recognizes the critical importance of the rule of law in post-conflict peacebuilding, peacekeeping and conflict prevention activities, and fully supports greater coherence and mobilization of the United Nations system-wide expertise on that issue. We continue to promote the centrality of the rule of law in the daily efforts of conflict-affected countries to ensure sustainable peace and development. As a victim of aggression in the first half of the 1990s, Croatia has gained an in-depth understanding and first-hand knowledge of peacebuilding and post-war recovery in all its aspects. We stand ready to share that valuable experience.

Croatia strongly supports the full and unequivocal implementation of all applicable rules of international humanitarian law and criminal law, as well as all efforts aimed at ending the culture of impunity, which includes, among others elements, the full investigation and punishment of all atrocities. Accountability for crimes is extraordinarily pertinent to our times.

Croatia greatly values the contributions of international courts and tribunals in advancing the rule of law at the international and national levels. In that context, we particularly stress the importance of

scrupulous interpretation and rigorous application of existing international humanitarian law in the processes in front of those bodies, as well as strict observance of due process guarantees. Only justice that is sufficiently expeditious and competent beyond any doubt can bring relief to the victims, rigorously confront the perpetrators with their deeds and ensure responsibility.

As a State party to the Rome Statute, Croatia strongly supports the work of the International Criminal Court (ICC) and invites all stakeholders to be accountable for their commitments to the ICC. As a member of the Human Rights Council, we advocate strengthening its links with the Security Council. We also acknowledge the importance of the principle of the responsibility to protect. We welcome the establishment of the United Nations Office of Counter-Terrorism, as it is evident that there is a real need for strategic coordination and leadership for our global counter-terrorism efforts.

In conclusion, the United Nations plays a central role in cases of flagrant violations of international law, including the judicial settlement of disputes through the International Court of Justice. In our view, with regard to strengthening respect for international obligations, which are critical for the maintenance of peace and security, it is crucial to have unity among all members of the Security Council. Organizing Arria Formula meetings of the Council with relevant persons or global non-governmental organizations and open debates on specific topics, such as today's, can contribute to that goal.

The President: I now give the floor to the representative of Cyprus.

Mr. Menelaou (Cyprus): At the outset, I would like to commend the Polish presidency for convening this timely open debate on upholding international law within the context of the maintenance of peace and security.

Cyprus aligns itself with the statement delivered earlier by the observer of the European Union and wishes to make some additional remarks in its national capacity.

International law and the Security Council are inextricably linked. The United Nations is founded on a legal instrument, the Charter of the United Nations, and all of its activities are based on the legal authority that instrument provides. The action of the Security Council itself has important international legal implications, such as those related to resolutions adopted under Chapter VII of the Charter. Despite being legally binding, Council resolutions are unfortunately not always upheld. Council resolutions on Cyprus, for example, continue to be systematically violated.

It remains our conviction, particularly when dealing with matters of peace and security, that the obligation to act in accordance with the Charter, and with international law in general, has the power not only to prevent conflict but also to resolve it. In the case of Cyprus, if the rules of international law had not been violated by Turkey, the Cyprus problem would not have arisen. If those rules were applied today — in other words, if Turkey had implemented what it preaches — the main aspects of the problem, especially the international aspects, which form the heart of the issue, could be resolved fairly for all parties concerned and in the interest of international peace.

The Republic of Cyprus remains unequivocally committed to the principle of the peaceful settlement of disputes. Two examples of that are its steadfast commitment and continued support to the United Nations-brokered peace process in Cyprus and its acceptance of the compulsory jurisdiction of the International Court of Justice. That commitment is also the cornerstone of our policy of trilateral partnerships, which we have established with our neighbouring countries — Greece, Israel, Egypt, Jordan, Lebanon and Palestine — founded on our adherence to the need for stability and good-neighbourly relations as the bedrock for peace and prosperity for all countries and peoples in the extremely volatile region of the Eastern Mediterranean.

Turning to the maritime domain, the same adherence to international law, as reflected in the United Nations Convention on the Law of the Sea (UNCLOS), has the potential to both prevent and to resolve maritime conflict. With its universal and unified character, the Convention effectively regulates all activities in the largest space on the planet by setting out the legal framework within which all activities in the seas must be carried out. Considering that the UNCLOS provisions reflect customary international law, and are therefore binding on all States, we urge States to act in conformity with the Convention and refrain from actions in violation of Article 2, paragraph 4, of the Charter — prohibiting the threat and the use of force and promote the peaceful settlement of maritime disputes.

Turkey's actions in the Eastern Mediterranean have escalated to the threat of use of force. They interfere with the authority of Cyprus to exercise its inherent and inalienable sovereign rights to explore and exploit its offshore natural resources, and they constitute a striking example of Turkey's gunboat-diplomacy methods, thereby endangering the peace and security of the region.

While acknowledging the role of the veto as a tool that can provide the needed checks and balances among major international actors, Cyprus reiterates its unequivocal support for the code of conduct regarding Security Council action against genocide, crimes against humanity and war crimes. We also welcome the historic activation of the jurisdiction of the International Criminal Court (ICC) over the crime of aggression as of 17 July, thereby allowing ICC action following a referral by the Security Council. It is significant that by virtue of its mandate, the Council will be able to do so without restrictions and with respect to all States. We see that development as eventually contributing to the suppression of acts of aggression, cited in Article 1 of the Charter as a primary purpose of the United Nations. We also seize this opportunity to encourage the ratification and implementation of the updated version of the Rome Statute of the International Criminal Court.

Moreover, with regard to recent developments, we are seriously concerned about attempts to open the door of Article 51 of the Charter to the threat of terrorism in response to armed attacks perpetrated by non-State actors, which carries the potential for escalating violence and abusive invocations of self-defence.

Lastly, the Republic of Cyprus is concerned with the serious escalation of the situation in Gaza, resulting in loss of life. The situation puts into even sharper focus the imperative need for the two sides to resume negotiations for a peaceful resolution to the Palestinian-Israeli conflict in the framework of the two-State solution, which will be to the benefit of both Palestinians and Israelis and will contribute significantly towards peace and security for the whole region. Cyprus maintains the position that the final status of Jerusalem is to be determined through negotiations on the basis of Council resolutions.

The President: I now give the floor to the representative of Turkey.

Mr. Sinirlioğlu (Turkey): I thank you, Mr. President, for organizing this timely open debate on such a significant topic for the Security Council and beyond.

Today's discussion cannot be addressed merely in a conceptual manner. International law continues to be violated in several conflicts around the world, resulting in immense human suffering. Unfortunately, however, current Council dynamics do not allow for a meaningful discussion on upholding international law. That is most visible on critical issues such as Palestine and Syria. As a result, the Council simply cannot adequately deliver on its primary responsibility for the maintenance of international peace and security.

Pursuant to Article 24 of the Charter of the United Nations, the primary responsibility for the maintenance of international peace and security has been entrusted to the Security Council by the States Members of the United Nations "in order to ensure prompt and effective action". The Council's failure to carry out that responsibility on behalf of the whole membership is therefore a serious blow to international law. Addressing crises only when situations deteriorate is not how the Council should uphold international law. Resorting to the use of the veto as a tool to advance national interests is not how the Council sets the record right in the face of those who continuously violate their obligations.

Those examples only undermine the credibility of the Council and the rules-based international order that we have established together. Effectively upholding international law requires that there be no impunity for its violations. Unless we consistently call to account those who violate their obligations, the credibility of the United Nations will continue to be tarnished. The absence of an accountability mechanism for inaction by the Council also emboldens those who do not refrain from breaching international law. That is in stark contradiction with the letter and the spirit of the Charter.

We welcome initiatives aimed at limiting negative votes by both permanent and elected members in cases of mass atrocities. The initiatives by France and Mexico, as well as Liechtenstein on behalf of the Accountability, Coherence and Transparency group, are steps in the right direction.

It is also worth noting that the Council's failure to act has activated the General Assembly on several instances. The lack of action by the Council with respect to Syria led the General Assembly to create the International, Impartial and Independent Mechanism

for Syria. That is another illustration of Member States' strong commitment to accountability for the crimes committed in Syria. Such action can be replicated on issues where much-needed Council action is lacking.

The Council also has a special role to play in the promotion of international law. Some of its actions, such as resolutions adopted under Chapter VII of the Charter or the establishment of ad hoc tribunals and sanctions, have implications for international law. The Council has taken decisive steps in that regard in the past. Turkey has been a supporter of those mechanisms, which contributed to the fight against impunity as well as to the restoration of peace and stability. More recently, resolution 2379 (2017), on the creation of an Investigative Team to hold Da'esh accountable for its actions in Iraq, is a welcome development. Turkeywas a sponsor of the resolution and hopes to see it fully implemented.

In the context of maintaining international peace and security, the Charter of the United Nations underlines the sovereign equality of States, the prohibition of the use of force, the legitimate and inherent right to self-defence, enshrined in Article 51, and the peaceful settlement of disputes. In that regard, the Charter prescribes that the Security Council shall call on the parties to settle their disputes by peaceful means, such as negotiation, mediation and others. We are convinced that we should do more to prevent conflicts. For that, we have to intervene at the early stages. Resorting to wider and more effective use of mediation can prove helpful. The Secretary-General has been very vocal about the importance of the role of prevention and mediation since he took office, and we fully support his vision.

In conclusion, I would like to emphasize that safeguarding international law in conformity with the principle of pacta sunt servanda has been a key foreign policy priority for Turkey. We have also contributed to its development through our participation in the International Law Commission, which will mark its seventieth anniversary next week. Today's debate illustrates the keen interest of the wider membership in this matter. The Council should assume its responsibilities accordingly. Turkey remains ready to further engage in this discussion.

I would now like to respond to the statement made by the speaker who preceded me. The name of my country was mentioned several times in the context of Security Council resolutions and international law. First, I would like to underline that the country in question violated the agreement that led to its foundation by beginning ethnic cleansing on the island between 1963 and 1974 with the aim of eliminating the Turkish community. It was as a result of the ethnic-cleansing campaign pursued by that country that Turkey exercised its right to intervene under the Treaty of Guarantee between Turkey, Greece and the United Kingdom, and established the current status quo. Since then, talks have been held on the settlement of the ongoing Cyprus issue. We will continue to defend the rights of Turkish Cypriots in that respect.

The President: I now give the floor to the representative of Namibia.

Ms. Scott (Namibia): At the outset, we would like to commend the Polish presidency for presiding over the Security Council during the month of May and to thank it for convening today's open debate, focused on the maintenance of international law, peace and security. We would also like to thank the briefers.

My delegation aligns itself with the statement to be delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries.

As mentioned in the concept note (S/2018/417/Rev.1, annex), the Preamble to the Charter of the United Nations states that the United Nations seeks to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. For a small country such as ours, in order to ensure equity and justice, there are few options besides insisting on the maintenance of international law. Article 96 of the Namibian Constitution states that our international relations foster respect for international law and treaty obligations. As a child of the international community and a product of the successful application of international law, that is a fundamental aspect for the implementation of our foreign policy.

Namibia's independence in 1990 came at a great price and meant that families were split for many years, resulting in deep divisions in our society. Yet our policy of reconciliation, and the application of international law in our own country and in the face of tremendous odds, has resulted in both independence and development, even when we have not always agreed politically. For that reason, and in accordance with our firm commitment to regional peace, when

Namibia and Botswana found ourselves in a territorial dispute, our first reaction was to take the matter to the International Court of Justice. We were committed to accepting the outcome of that judgment. In addition, our two Presidents, on 5 February, signed a boundary treaty to reaffirm our common boundary and commit to cooperation on transboundary issues. Namibia therefore reaffirms its commitment to the promotion of the peaceful settlement of disputes, in accordance with the provisions of the Charter as well as with international law and the relevant United Nations resolutions.

It is our belief that international peace and security must be sought and guaranteed through the multilateral system. Since we joined the United Nations, Namibia has actively and constructively engaged, supported and participated in the various functions of the United Nations system, including peacekeeping operations. We will continue to do so. In that spirit, we call on States to address abuses of human rights and violations of treaties and protocols. We call on all States to respect agreed-upon United Nations processes.

The reprehensible events in Gaza and Israel this week have been a stark reminder of the need to uphold international law as it pertains not only to territorial disagreements but also to humanitarian law and human rights law. Indeed, the application of international law is a foundation for peaceful relations and coexistence.

Finally, I want to stress that, in order to promote the peaceful settlement of disputes, the United Nations should continue to forge stronger relations with regional and subregional organizations, particularly the African Union. We welcome the enhanced cooperation between the African Union and the United Nations in peacekeeping in Africa, and underscore the important role of regional and subregional arrangements in promoting international law and peace and security.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Suárez Moreno (Bolivarian Republic of Venezuela) (*spoke in Spanish*): It is an honour for the Bolivarian Republic of Venezuela to speak on behalf of the 120 Member States that make up the Movement of Non-Aligned Countries (NAM).

First of all, on behalf of the States members of the Movement, we would like to pay our respects to His Excellency Mr. Andrzej Duda, President of the Republic of Poland. We should also like to express our gratitude to his delegation for organizing this open debate on such an important topic and for drafting the concept note (S/2018/417/Rev.1, annex).

Approximately one month ago, the Coordinating Bureau of the Movement issued a communiqué that in due course was transmitted to the member States of the Security Council. The communiqué reaffirmed the validity of the purposes and principles enshrined in the Charter of the Nations and the norms of international law, as well as our unwavering commitment to the peaceful settlement of disputes, in accordance with Article 2 and Chapter VI of the Charter of the United Nations and the provisions of General Assembly resolution 2625 (XXV), of 24 October 1970, which are key elements in both preventing and ending conflicts, including prolonged conflicts.

In that respect, we would like to take this opportunity to commend the role of the International Court of Justice in fostering the pacific settlement of international disputes under the relevant provisions of the Charter of the United Nations and the Statute of the Court, in particular Articles 33 and 94 of the Charter, while at the same time we urge the Security Council to make greater use of the Court as a source of advisory opinions and interpretations of the relevant norms of international law and controversial issues. In addition, we urge the Council to consider having its decisions reviewed by the Court, given the need to ensure its compliance with the Charter of the United Nations and international law.

NAM reaffirms its commitment to the promotion of the pacific settlement of disputes under the provisions of the Charter of the United Nations, the entire corpus of international law and the relevant United Nations resolutions, including those adopted by the Council, which are legally binding for every State Member of the Organization and are intended to contribute to strengthening international peace and security and save future generations from the scourge of war and armed conflicts, by bolstering the role of the United Nations in the pacific resolution of disputes, the prevention and settlement of conflicts, the establishment of trust and national reconciliation, post-conflict peacebuilding, rehabilitation, reconstruction and development.

In that connection, we reiterate our full willingness to ramp up the role of the Movement as an anti-war and peace-loving force. To that end, it is critically important to defend international law, which is the only shield

that we, the small developing countries of the South, can count on to protect ourselves against new threats and the emerging multiple and complex challenges that we face today, including acts of aggression by imperial Powers. Similarly, in the context of the maintenance of international peace and security and the prevention of armed conflicts, there should be no exceptions. International law must always be protected and respected. Likewise, in cases in which violations of international law occur — as stated in the concept note for this debate — those responsible must be held accountable so as to prevent any recurrence of violations and find a path towards sustainable peace, justice, truth and reconciliation. Otherwise, impunity will run amok and perpetrators will be effectively encouraged to continue the commission of their crimes.

During the eighteenth mid-term ministerial conference of the Non-Aligned Movement, the Ministers stressed that the purposes and principles of the Charter of the United Nations and the principles and norms of international law are essential to maintaining and promoting peace and security, the rule of law, economic development and social progress, as well as human rights for all. In that context, they agreed that the States Members of the United Nations, including the members of the Security Council, must renew their commitment to respecting, defending, preserving and promoting the Charter of the United Nations and international law with the goal of forging ahead until full respect for international law is achieved. On that occasion, they also emphasized that strict observance of the principles of international law and compliance in good faith with the obligations assumed by States under the Charter is of vital importance for the maintenance of international peace and security. Additionally, they reaffirmed that NAM member States must respect the territorial integrity, sovereignty, political independence and inviolability of the international borders of Member States.

The States members of the Movement also reaffirmed their commitment to refraining from recognizing, adopting or implementing illegal, coercive, extraterritorial or unilateral measures and laws — including unilaterally imposed economic sanctions, intimidation measures and arbitrary restrictions on travel — whose purpose is to pressure non-aligned countries while threatening their independence, sovereignty and freedom of trade and investment and preventing them from exercising their right to decide, of their own volition, their own political, economic and social systems, when such measures and laws constitute flagrant violations of the Charter, international law and the multilateral trading system, as well as the norms and principles that govern friendly relations among States. In that regard, we reaffirm our opposition and condemnation of such measures and laws and their continued implementation and enforcement, and we ask States that apply such measures and laws to revoke them immediately and in full.

Lastly, NAM would like to take this opportunity to appeal to the international community to keep its promise with the peoples of the United Nations, as enshrined in the founding Charter of the Organization, in which we affirmed our commitment to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to humankind. Let us redouble our efforts and show our true political will so as to make peace a reality and not a mere pipe dream, as part of our collective efforts to create a prosperous and peaceful world.

In our national capacity, we would like to take this opportunity on behalf of the Bolivarian Republic of Venezuela to reaffirm our full commitment to the promotion and defence of international law. Accordingly, before this organ, entrusted with ensuring the maintenance of international peace and security, Venezuela condemns the systematic campaign of acts of aggression that the United States regime is waging against our country. The adoption and implementation of unilateral coercive measures, including even the threat of military intervention, are in flagrant violation of the norms of international law, as well as the purposes and principles of the Charter, and are intended not only to try to destabilize Venezuelan society and institutions but to destroy democracy in our country.

Today we therefore affirm that only the United States regime, with the current Administration's warmongering, supremacist, discriminatory, racist and interventionist policy, represents a real threat to peace and regional and international stability. How can a country lacking any shred of authority purport to set an example and try to assign itself the role of the world's policeman, which no one has conferred upon it, while trampling on decisions made by this organ? International law clearly establishes the principle of the legal equality of States. The United States is not above any sovereign State and must strictly respect its obligations under international law.

The President: I now give the floor to the representative of Viet Nam.

Mrs. Nguyen (Viet Nam): Allow me, at the outset, to thank the President of the Republic of Poland and his delegation for organizing today's very important open debate. I would also like to express my sincere appreciation to the briefers for their valuable insights.

My delegation aligns itself with the statement just delivered by the representative of the Bolivarian Republic of Venezuela on behalf of the Movement of Non-Aligned Countries. I would like to make three points in my national capacity.

First, international law plays an indispensable role in preserving the rules-based international order. However, we are now facing acute challenges in achieving full respect for international law. Flagrant violations of international law have been seen in many parts of the world, including power politics, unilateral measures, violations of the sovereignty, political independence and territorial integrity of States and the threat of use or use of force. In that context, the Security Council needs to further uphold the full implementation of and compliance with international law, including humanitarian and human rights law, and strengthen the role and validity of international law in the maintenance of international peace and security.

Secondly, it is the obligation of each and every State to peacefully resolve disputes in accordance with international law. That main principle of international law is clearly set forth in Chapter VI of the Charter of the United Nations, which provides for diplomatic and legal measures and processes with a view to achieving the pacific settlement of disputes. We would also like to highlight the importance of international judicial institutions in maintaining the rules-based international order and resolving disputes among States.

Thirdly, regional organizations play a crucial role in the maintenance of regional and international peace and security through various effective means, including the promotion of the peaceful settlement of conflicts, mediation, inquiry, preventive diplomacy, confidence-building measures and mutually beneficial partnerships. The Security Council should make full use of, encourage and further enhance cooperation with, regional organizations in solving disputes, preserving peace and preventing conflicts.

In our region, the Association of Southeast Asian Nations has made great contributions to strengthening dialogue, fostering friendly and cooperative environments and promoting peaceful solutions to the disputes in the East Sea — also called the South China Sea — in accordance with international law, the United Nations Charter and the United Nations Convention of the Law of the Sea, and at the same time ensuring the implementation of the Declaration on the Conduct of Parties in the South China Sea in its entirety and the early conclusion of an effective and legally binding code of conduct.

Wars and conflicts remain unresolved mainly because international law has not been observed. More than ever before, we should renew our commitment to the purposes and principles enshrined in the Charter of the United Nations and the norms of international law.

In conclusion, as a candidate for a non-permanent seat on the Security Council for the term 2020-2021, Viet Nam will spare no effort to uphold international law and make contributions to the Council's noble endeavours to maintain international peace and security.

The President: I now give the floor to the representative of Portugal.

Mr. Duarte Lopes (Portugal): Portugal aligns itself with the statement delivered earlier on behalf of the European Union.

I would like to congratulate Poland on choosing this particular topic for an open debate at the Security Council. Reflecting on how respect for international law affects peace and security is relevant for the success of the United Nations. International law is not merely a set of rules and mechanisms aimed at prescribing conduct and settling disputes. It also embodies a powerful ethical discourse and, as such, is an important referent for action as well as a tool of international progress.

The Charter of the United Nations, itself an international legal instrument, confers on the United Nations the fundamental responsibility to maintain international peace and security. But it also affirms that measures to fulfil that mission must be taken in conformity with the principles of justice and international law. The Security Council, a collective organ for collective action, is therefore not only bound to act in accordance with the applicable international law, but also has an important responsibility to promote and contribute to respect for international law. That is not a

simple abstraction; it is in fact a condition of success for its crucial mission in maintaining international peace and security. Allow me to share some quick thoughts on how, in our view, the Security Council can increase its contribution to international peace and security by upholding international law through concrete steps.

Portugal considers that the Security Council can further promote recourse to methods for the pacific settlement of disputes, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement and use of regional mechanisms, as provided for in Chapter VI of the Charter. Portugal also considers that when acting under Chapter VII, the Security Council could reinforce its legitimacy by clearly stating the reasons for which it understands that a given event is a threat or breach of the peace or an act of aggression. Those are concepts for which international law provides useful guidance.

Regarding respect for international obligations, a closer monitoring of the implementation of Security Council resolutions can certainly help in preventing future violations of international law. The emergence of new and interlinked types of global threats, such as climate change, new typologies of conflicts, transnational organized crime or terrorism, must also be kept in mind, as it may be necessary to further develop the existing legal framework in order to better deal with new challenges.

Upholding accountability is a never-ending challenge for the United Nations and each and every Member State. Portugal considers that despite the progress that has been made in the past few decades, the current accountability framework can be further improved. Although the Council is not, and should not be, a judicial organ, it can contribute to ensuring accountability, including by referring situations to the International Criminal Court or mandating peacekeeping operations to help in investigations or the arrest of those responsible for the most serious crimes of international concern. In the same vein, restraint on the part of the permanent members from the use of veto, at least when crimes of genocide, crimes against humanity and war crimes are committed, would be a very important step.

In conclusion, although the international context is now quite different from what it was in 1945, the need for the United Nations, and the Council in particular, to be at the very heart of international peace and security is ever more acute. Respect for international law is at the core of that effort, both as the reason for and purpose of United Nations action.

The President: I now give the floor to the representative of the United Arab Emirates.

Mrs. Nusseibeh (United Arab Emirates): I congratulate Poland on its presidency of the Security Council this month and for giving due attention to the critical question of respecting and upholding international law. The late hour this evening shows the membership's high level of interest in this very important subject. We thank Chef de Cabinet Viotti, Judge Owada and Judge Meron for their informative briefings this morning.

The United Arab Emirates chose to participate in today's open debate because the foundational principles that underpin the Charter of the United Nations and the wider body of international law also form the backbone of the our foreign policy. For small States, the multilateral rules-based system and international law are vital because they ensure us equal rights as part of the community of nations and protect us all from the abuse of power and hegemony of a few.

As such, the United Arab Emirates is deeply troubled that respect for international law is faltering around the world. A world without a rules-based international order is one filled with chaos and instability, where rogue actors disregard international norms with impunity, the system of trusted relationships between countries is broken and the most vulnerable in every society are left to suffer without recourse to justice.

Nowhere is respect for international law being challenged more than in the Middle East, which is where I will focus my remarks this evening. Developments in our region this week in particular affirm that fact. The tragedy in Gaza escalated on 14 May and resulted in the abhorrent murder of more than 60 innocent civilians, perpetrated by a State Member of the United Nations. The lives of the victims — men, women and children — are no less human than those of anyone else in the Council or in any Member State. But the Council's inaction has made it appear as though somehow they are less human and that they suffer and mourn their losses differently. No one has the right to dehumanize any people that way. The most recent acts on the Gaza border violate multiple rules of international humanitarian law and cannot be condoned or ignored by the international community. Moreover, Israel's settlement activity in the occupied

Palestinian territories continues to defy international law and numerous Security Council resolutions.

The United Arab Emirates believes that Israeli and Palestinian people both have the right to secure statehood. But when the Council's resolutions on the matter are repeatedly ignored and innocent human life is recklessly and violently taken, the fabric of international law and the international framework that could make that aspiration possible is thoroughly weakened.

It is not just in Palestine that international law is being flouted. For seven years now, the Syrian people have suffered chemical-weapon attacks and been denied humanitarian aid. These are grave violations of international humanitarian law. We call on all parties to the conflict to cease such behaviour and for the perpetrators to be held to account. Given the Security Council inaction on Syria, the United Arab Emirates supports the code of conduct of the Accountability, Coherence and Transparency group that calls on Council members not to vote against any credible draft resolution intended to prevent or halt mass atrocities.

Not just in Syria but throughout the Middle East, Iran is flouting international law and Security Council sanctions regimes in pursuit of its agenda of regional hegemony. Iran's behaviour violates the fundamental international legal principle of non-intervention. Its support for terrorist groups in our region is in violation of numerous Security Council resolutions. The United States recently recognized that fact by withdrawing from the Joint Comprehensive Plan of Action, and other countries should also hold Iran to similar standards.

Lastly, the financing and support of extremism and terrorism persist in our region and around the world, threatening the rule of law. All countries that engage in such behaviour should be held accountable through Security Council resolutions and the monitoring of financial flows. If they are not held accountable by the international community, States have the sovereign right to act independently to defend their own security, as we and our partners in the region have done.

Fundamentally, the rules and norms that make up the body of international law are only as strong as the commitment of all States to defending and upholding them. That is why the United Arab Emirates stands ready to do its part in reinforcing the pillars of international law, including improving our own efforts to practice what we preach. In Yemen, we will continue to do our utmost to ensure that aid reaches those most in need, while conducting operations at the request of the legitimate Government of Yemen.

The United Arab Emirates acknowledges President Duda's statement earlier today, in which he noted that Chapter VI of the Charter of the United Nations is the most useful tool at the international community's disposal in cases of disagreements and imminent conflict. And the Polish presidency has asked for practical recommendations from Member States for today's discussion. To better uphold Chapter VI, the United Arab Emirates proposes that the Security Council request a report by the Secretary-General on the various modalities of dispute settlement included in it. Such a report would be a resource for all Member States and would outline the use and practice of such modalities in mitigating disputes that have come before the United Nations and other United Nations system entities, lessons learned that can be employed in present and future disputes and used as a guide for Member States in applying such modalities.

The President: I now give the floor to the representative of Ghana.

Mrs. Pobee (Ghana): My delegation joins others in expressing appreciation to His Excellency Mr. Andrzej Duda, President of the Republic of Poland, and his delegation for convening today's open debate on the theme of upholding international law within the context of the maintenance of international peace and security. We are grateful for the briefings delivered by Ms. Maria Luiza Ribeiro Viotti on behalf of the Secretary-General, and by Judges Hisashi Owada and Theodor Meron.

It is significant that today's debate comes in the wake of the high-level event on sustaining peace convened by the General Assembly in April (see A/72/PV.83-87). Today's debate once again reinforces the need to seek integrated approaches to the maintenance of international peace and security, while highlighting the political, developmental, human rights, rule-of-law and justice dimensions of peace and security.

Respect for international law, as an essential tool for preventing conflict, conflict resolution and in building sustainable peace is most critical given the current complex and multidimensional threats to peace and security. There is therefore an urgent need for a renewed commitment by all Member States to respecting international law in order to ensure that this tool can be effectively utilized for the maintenance of peace and security. Respect for a rules-based international

system, as provided for in the Charter of the United Nations, international human rights law, international humanitarian law and international criminal law, is the responsibility of all Member States, without exception. In meeting that responsibility, we must take every opportunity to promote and enhance the prospects for the pacific settlement of disputes, using binding legal procedures, in accordance with Chapter VII of the Charter, and all available mechanisms, including conciliation, arbitration, negotiation, mediation and judicial settlement.

In contributing to today's important debate, Ghana wishes to make the following recommendations on the subject.

First, we need increased capacity-building at the national level in order to enhance wider appreciation and respect for international obligations in the context of peace and security. The United Nations Programme of Assistance for the Teaching, Study, Dissemination and Wider Appreciation of International Law, which has been in existence for approximately 50 years, could be instrumental in those efforts and should be supported and enhanced.

Secondly, the Security Council should increasingly draw on existing judicial institutions of international law, such as the International Court of Justice, and make greater use of the Court as a source of advisory opinions for the interpretation of the relevant norms of international law and on controversial issues.

Thirdly, the international community must do more to ensure accountability for international crimes, including genocide, war crimes and crimes against humanity, through the use of commissions of inquiry and referrals to the International Criminal Court in an effort to end impunity, bring perpetrators to justice and serve as a deterrent.

Fourthly, there should be continuing close collaboration between the Security Council and the relevant organs and agencies of the United Nations system to ensure the sustainability of rule-of-law measures, especially in peacebuilding in post-conflict situations.

Fifthly, we advocate strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes. That cannot be overemphasized. Ghana's working paper on how to bridge gaps in regional arrangements is currently under consideration by the Sixth Committee. We look forward to working with all Member States to fine-tune those proposals.

Lastly, we urge renewed commitment to collective security, which rests on full respect for international law and the equality of all Member States and on our resolve to avoid unilateral actions in addressing threats to peace.

In conclusion, I want to take this opportunity to reaffirm Ghana's commitment to promoting respect for international law and to playing its role in global and regional efforts in the maintenance of international peace and security.

The President: I now give the floor to the representative of Armenia.

Mr. Margaryan (Armenia): Armenia expresses its appreciation to the Polish presidency of the Security Council for initiating today's debate and providing us with an interesting and targeted concept note (S/2018/417/Rev.1, annex). The presence of His Excellency Mr. Andrzej Duda, President of the Republic of Poland, and his presiding over the Council's debate earlier today underscore the high importance of the agenda item under discussion. We also thank the Chef de Cabinet of the Secretary-General and the Judges of the International Court of Justice and the International Residual Mechanism for Criminal Tribunals for their comprehensive briefings.

Today's meeting is also an invitation to discuss how to advance the peaceful settlement of conflicts based on the tenets of international law, while addressing complex challenges resulting from violations of international humanitarian law and human rights law. Armenia believes that the norms and principles of international law should be upheld in their entirety and that they remain relevant and crucial for the preservation of international peace and security. The essence, root causes and principles of resolution of each conflict and crisis are unique. Attempts to create one-size-fits-all approaches ignore the specificities of particular conflicts and are counterproductive.

Equal rights and self-determination for peoples are fundamental principles enshrined in the Charter of the United Nations. The right to self-determination by freely determining one's political status and freely pursuing one's economic, social and cultural development belongs to all peoples and is also embedded in both

the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Adherence to international humanitarian law and human rights law should be consistently promoted in the context of the prevention of conflict and massive and serious violations that result in war crimes, crimes against humanity or the heinous crime of genocide.

Prevention requires both early warning and early action. The denial of past crimes, including the crime of genocide, impunity, discrimination against particularly vulnerable groups and the prevalence and expression of hate speech are among the precipitating factors that lead to massive crimes and conflict and represent explicit and detectable early warning signs. The international community should be sufficiently equipped to detect and address such early warning signs.

We are well aware that crimes that go unpunished are prone to recurrence. It is therefore imperative that the international community vigorously pursue the fight against impunity and denialism. Within the United Nations, Armenia has been leading the campaign to reinforce the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide.

This year marks the seventieth anniversary of the Genocide Convention, which is yet another milestone that reaffirms our collective determination to fight impunity for the crime of genocide, war crimes and crimes against humanity and to recommit to cooperation among nations, thereby contributing to the promotion of international peace and security. The International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, on 9 December, continues to be an important platform for supporting such deliberations and taking the conversation forward.

As a supporter of the concept of regional engagement, Armenia has consistently promoted the efficiency and role of regional mechanisms, including for the maintenance of peace and security. We resolutely reject various deflecting attempts at forum shopping and arbitrary interpretations of international law. We emphasize that there can be no hierarchy in international law, and the very right to self-determination may not be restricted, suspended or turned into an issue of territorial dispute. The principle of the right of peoples to self-determination is a binding and universally recognized fundamental norm of international law for all States, with no exceptions, and its implementation derives from international obligations assumed by States.

Armenia greatly appreciates the continued support of the United Nations system and the Secretary-General for the internationally agreed format of negotiations for the peaceful resolution of the Nagorno Karabakh conflict, under the auspices of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE) co-Chairs. The approach of the international community vis-à-vis the Nagorno Karabakh conflict is well reflected in the statements and proposals of the OSCE Minsk Group co-Chair countries. A failure to commit to a peaceful resolution of the conflict, on the basis of the norms and principles of international law and within internationally agreed mandates, represents a deliberate attempt to obstruct and derail the peace process. Armenia will continue to deliver on its commitment to uphold the norms and principles of international law and, together with the Minsk Group co-Chairs, will continue working for the peaceful resolution of the Nagorno Karabakh conflict.

The President: I now give the floor to the representative of Rwanda.

Ms. Bakuramutsa (Rwanda): Allow me to express Rwanda's appreciation to the Polish presidency for convening today's open debate on the state of respect for international law in the context of the maintenance of international peace and security.

It is evident from today's briefings that upholding international law is fundamental to the maintenance of international peace and security and to preventing, managing and resolving crises. We all agree that international law directly contributes to world peace. We also agree that this is not something new, as the concept of international law predates even the United Nations, which was founded in 1945. Today's discussion therefore stresses the need to uphold the principles of international law in the maintenance of international peace and the need to support the role of the Security Council and the international judicial system in fostering a culture of the rule of law that promotes international peace and security.

Peace and security are strengthened if there are no exceptions or double standards in the application of international law. The Security Council should promote the rule of law through greater use of the means for pacific settlement of disputes and, more frequently, by recourse to the International Court of Justice. We

believe that the starting point is to look at the Charter of the United Nations, by which we are all bound.

Today we see a world that is hardly at peace. Human rights abuses remain rampant and humanitarian law is flouted in open violation of the Charter's principles. The Charter does not just collectively bind us to efforts aimed at saving succeeding generations from the scourge of war; it also confers a shared commitment to creating a world order that is based on the rule of international law. Let me reiterate my country's continued commitment to translating our trust in the Charter into practice.

On the maintenance of international peace and security by upholding international law, allow me to begin with a simple fact: we, as Member States, solemnly entered into this covenant, the United Nations Charter, trusting that its principles were immutable. However, what we see is that certain nations show contempt for those principles, pursuing narrow national or group interests, which can have devastating consequences. We have yet to see a world order emerge that is based on justice and respect for the obligations arising from treaties and other sources of international law and, most critically, the purposes and principles of the Charter itself. In that context, I would like to focus on the following four points.

First, the United Nations must fulfil its purpose of developing friendly relations among nations, predicated on the principle of equal rights.

Secondly, there should be a renewed focus on using peaceful means for addressing breaches of international peace and the settlement of international disputes, with a wider and more effective use of the provisions of the Charter. We appreciate Judge Owada echoing that point.

Thirdly, the management of international peace and security must be based on a genuine consensus that is forged on the basis of the principles of international law.

Fourthly, as the primary organ responsible for maintenance of international peace and security, the Security Council also needs to make wider and more effective use of the procedures and framework for the pacific settlement of disputes, particularly Articles 33 to 38 of the Charter.

African countries have put in place a Peace and Security Architecture through regional and subregional organizations that possess built-in mechanisms for conflict prevention and mediation. Bodies such as the Peace and Security Council and the Panel of the Wise give this architecture greater strength. Africa has wisely resorted to the wide spectrum of modalities envisaged in Chapter VI and other relevant provisions of the Charter of the United Nations in the desire to prevent disputes between parties and stop existing disputes escalating into conflict.

It is worth pointing out that we are having this debate on the seventieth anniversaries of the Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights. Those important instruments are being threatened by numerous instances of backtracking on our pledges. Accountability has been threatened by Member States' lack of cooperation in complying with arrest warrants issued by international mechanisms, supporting investigations concerning fugitives and prosecuting suspected individuals within their jurisdiction. We believe that there should be no impunity for egregious crimes against humanity and mass atrocities. Accountability for those responsible for heinous crimes is integral to maintaining international peace and security. The Council must stress that peace and justice go hand in hand, and that its members, particularly its permanent members, must serve as models when it comes to upholding accountability by not harbouring fugitives implicated in genocide.

The Security Council has tribunals and mechanisms in place that were established to fight impunity and contribute to international peace and security. Debates such as today's present us with an opportunity to be introspective and consider whether those legal institutions and mechanisms have met our expectations. Are they actually ensuring accountability? Among other things, the establishment of the International Criminal Tribunal for Rwanda (ICTR) and, later, of the International Residual Mechanism for Criminal Tribunals was aimed at ending impunity and contributing to the process of national reconciliation and restoring and maintaining peace. Rwanda is concerned that it is not living up to that goal. Our concerns are based on the ICTR's recent early releases of some masterminds of genocide who have shown no remorse for the crimes they committed. To be exact, 14 of them have been set free and three more are currently in the process of early release. In some instances, such as that of Mr. Ferdinand Nahimana, those early releases have enabled various publications to continue propagating the ideology of genocide.

Furthermore, their early release, accomplished without consultation with the Government of Rwanda and at the discretion of one single individual, seriously erodes the ICTR's achievements in holding accountable those responsible for the meticulous planning and execution of the genocide against the Tutsi. It also conveys the extremely dangerous message that international justice is lenient when crimes are committed in certain parts of the world and thereby trivializes the crime of genocide.

In conclusion, Rwanda calls on the Security Council to consider the challenges that threaten the primacy of international law in sustaining international peace and security. Restoring the rule of law is not just the true means of achieving sustainable international peace and security, it is the only one.

The President: I now give the floor to the representative of Slovenia.

Ms. Bavdaž Kuret (Slovenia): I would like to begin by thanking the Polish presidency for organizing today's debate and for the concept note (S/2018/417/Rev.1, annex). Of course, Slovenia fully endorses the statement delivered earlier by the observer of the European Union, but I would like to add some elements in my national capacity.

When it comes to the peaceful settlement of disputes, Chapter VI of the Charter of the United Nations offers good guidance and should be used more often. We also want to encourage the Council to explore ways of identifying crises and risks related to international peace and security as early as possible in order to address them and, if necessary, take collective action. We encourage the Secretary-General to make use of Article 99 of the Charter.

The Security Council should act to prevent violence, which, unfortunately, it has recently failed to do on numerous occasions. As a member of the Accountability, Coherence and Transparency group, we stress once again that members of the Security Council should not veto resolutions that seek to prevent or end genocide, crimes against humanity and war crimes.

Respect for international law, including international humanitarian law and human rights, always rests primarily with States. They must ensure that governance is rooted in the rule of law, the protection of human rights and respect for international law. It is precisely the lack of protection of human rights for all without discrimination that is often at the root of armed conflict or other forms of violence.

The Security Council should emphasize the rule of law and justice when drafting missions' various mandates, and should cooperate closely with the Peacebuilding Commission on this. Peace and justice are not mutually exclusive but rather reinforce each other.

We also see big potential in regional and subregional organizations. They are essential and uniquely equipped to address risks and conflict or post-conflict situations. Europe has a long tradition of such institutions, embodied not only in the European Union but also in the Organization for Security and Cooperation in Europe and the Council of Europe, which have also proved excellent instruments for the maintenance of peace by promoting cooperation and respect for human rights and the rule of law. There are a lot of good practices that we can share.

When it comes to responding to flagrant violations of international law, the States that are members of the Security Council have a particular responsibility to react — if not preventively, then with collective action that may include targeted sanctions. Here we would like to echo the call of the European Union regarding the Ombudsperson.

Accountability, in our view, would be best assured by strengthening the system of international courts and tribunals or by forming other accountability mechanisms such as the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Preventing impunity for perpetrators of such abhorrent crimes is not only an instrument of punishment but also reduces the chance of their recurring in the future.

Slovenia continues to resolutely support the International Criminal Court (ICC) and international instruments regarding individual criminal responsibility. With the powers vested in it, including the ability to refer situations to the International Criminal Court, the Security Council is a particularly important partner of the ICC. In that context, we welcome the consensus decision by the Assembly of State Parties to the Rome Statute to activate the jurisdiction of the ICC over the crime of aggression as of 17 July.

In conclusion, international law in general offers many ways to settle disputes peacefully, from the exercise of good offices to the decisions of the International Court of Justice. States should always use them when unable to reach a settlement themselves. It goes without saying that all judgments and awards of the international courts and tribunals must be fully respected and implemented. That is a very basic foundation of international relations based on the rule of law.

Respect for international humanitarian law is of utmost importance. Even in war there must be certain rules that bind every side. We especially call for the protection of civilians, for no price is higher than that of human life.

The President: I now give the floor to the representative of Haiti.

Mr. Régis (Haiti) (*spoke in French*): At the outset, on behalf of the Government of Haiti, I would like to commend His Excellency Mr. Andrzej Duda, President of the Republic of Poland, for his presence here earlier today and for the initiative taken by his Government to convene this debate on upholding international law within the context of the maintenance of international peace and security, a goal that is fundamental for us all.

No one can dispute the relevance of this debate in a world in constant flux, where some question the effectiveness of international law and its ability to provide solutions to conflict situations and current challenges to peace. Born of the desire of international society to cease to accept war as a means of settling conflicts, the United Nations established the safeguarding of peace and protecting and respecting human rights as building blocks for the binding standards of international law. Peace and international law are intimately linked.

There is no doubt that progress and innovation have occurred in the field of international peace law, as the rise of international criminal jurisdictions in recent decades has shown. However, despite our shared belief that the moral force of the law can only promote the establishment of lasting international peace, we must admit that the supremacy of law, and particularly that of the international law on peace, is still a long way off. Nevertheless, the various United Nations organs, including the Security Council, have continued to make sustained efforts to promote, in the words of Pope John Paul II,

> "respect for human dignity, the freedom of peoples and the requirements of development, thus preparing the cultural and institutional soil for the building of peace".

This debate offers us the opportunity to take a critical look not only at the state of international law and peace, but also at United Nations action in the context of peacekeeping operations — their shortcomings, imperfections and failures, as well as the ways most likely to increase their effectiveness.

International law struggles to offer solutions for the issues and challenges of the world, for many reasons. Some stress the intrinsic weaknesses of international diplomatic instruments, especially those of the United Nations, which, in the words of a prominent lawyer, at the very least render the scope of those texts uncertain and, in reality, limited. Others attribute the lack of effectiveness of the legal mechanisms for peacekeeping, dispute resolution and the protection of rights to institutional inefficiencies. We know how much the Security Council's paralysis and inertia on certain sensitive issues has helped to fuel criticisms of international law for its unequal application in different States. The central issue in all of this — given that we all accept the fundamental value of peace in the international order — is that of better ensuring respect for the rules of international law generally and for the decisions and relevant resolutions of the Council aimed at preserving international peace in particular.

In that regard, we believe it is important to examine several points closely, five of which we consider essential. First, we must strengthen international peace law and ensure that it can adapt to the challenges of a changing world; secondly, we must guarantee compliance with international obligations to punish acts that could endanger international peace and security or seriously undermine the rights and dignity of humankind; thirdly, we must make the provisions of international peace law, international human rights law and humanitarian law more effective by promoting their incorporation into the domestic laws of States; fourthly, we must enhance the credibility of the United Nations and its principal organs, including the Security Council, by putting an end to its often-criticized asymmetry in its response to crises and conflicts; and fifthly, there must be a renewed determination on the part of Member States to ensure that the law is applied equally to all, large and small.